



**Municipal Planning Commission
City Service Center – 915 Quarrier Street – Suite 6
Wednesday, August 7th, 2024
3:00 p.m.**

Agenda

- 1. Call to Order**
- 2. Unfinished Business**
- 3. New Business**

Right-of-Way Closure: Bill No. 8044 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft by 250 ft alley between Virginia and Randolph Streets, located in Block 20, JB Walker Addition, Charleston West District, Kanawha County, West Virginia.

Resolution No. 24-004: Conveying the Kanawha County Building Commission a portion of the public right-of-way at 111 Court Street for construction of the Kanawha County Judicial Building Expansion, allowing the second story to cantilever over the Court Street right-of-way and requiring the County maintain the area as a right-of-way, in the City of Charleston, West Virginia subject to certain terms and conditions.

- 4. Minutes of the May 8, 2024 MPC meeting**
- 5. Announcements**

Presentation on Commissioner's Handbook

- 6. Adjournment**

***Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk.com>**



PUBLIC HEARING NOTICE

Public Hearing – Notice is hereby given that the City of Charleston’s Municipal Planning Commission will hold a public hearing:

DATE: August 7, 2024

TIME: 3:00 p.m.

PLACE: City Services Center, 915 Quarrier Street,
On the 1ST Floor of Municipal Parking Building

CASE DESCRIPTION

Right-of-Way Closure: Bill No. 8044 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft by 250 ft alley between Virginia and Randolph Streets, located in Block 20, JB Walker Addition, Charleston West District, Kanawha County, West Virginia.

Public testimony for and against will be taken at the public hearing. Persons wishing to favor or object to the case described above may do so by personal appearance or representative at the hearing, or by written statement submitted to the Planning Department prior to the public hearing date listed above.

The file (including the application, plans and written statements submitted by interested parties) is available for your inspection in the City Planning Department office, City Service Center, 915 Quarrier Street, Suite 1.

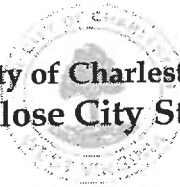
For more information, please call (304) 348-8105, email lori@cityofcharleston.org, or visit the office. As a matter of general policy these proceedings will not be transcribed. Anyone wishing a legal transcript must provide a court reporter at their own expense.

Sincerely,

Lori Brannon
Planner – City of Charleston

City of Charleston

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



Applicant Information	Property Information
Name: <u>Members Choice WV Federal Credit Union</u>	Street, Alley, or Right-of-way to be closed or abandoned: <u>10' Alley between Randolph and Virginia Streets</u>
Address: <u>201 Ohio Avenue Charleston WV 25302</u>	Tax Map and Parcel: <u>Between Tax Map 25, Parcels 318, 313, 314, and 319.1</u>
Phone: <u>(304) 397-0747</u>	Agent's Name if Different from Applicant: <u>L Richard Dorsey II</u>

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.
- If applicable, a request that the property be donated along with a determination of eligibility for donation.
- 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:

- 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: _____

Date: _____

6-21-26



L. Richard Dorsey, II
Attorney at Law
P.O. Box 1083
Hurricane, WV 25526
(304) 397-0747 / (304) 727-1168 Fax
RDOOffice@RickDorseyLaw.com

June 17 2024

RE: CLOSURE OF ALLEY
Members Choice WV Federal Credit Union
Randolph Street to Virginia Street West
Charleston West District, Kanawha County, WV
File#: 24-MI-064

Members Choice WV Federal Credit Union ("Members") desires to close the alley which runs from Randolph Street to Virginia Street West, as shown on the enclosed survey. This alley adjoins property owned by Members on all sides.

- (1) Members seeks to repurpose this alley for its business and customers use. This will allow Members to better serve its customers and the general public. The closure of the alley will reduce the risk to the public at large and Members customers by use of the alley. In general, the alley at present is used primarily by Members customers and what little use by the public at large is of insignificance.
- (2) Closure of the alley which is used in a limited manner by the public, and which use often places Members customers and the public in danger of wrecks and personal injury. The general public when the alley is used is conducted in way often in a reckless manner, driving at speed from adjoining streets, placing individuals and customers in danger.
- (3) Members understands that at present the alley is part of the streets and alleys of the City of Charleston. The use by the general public, if any is very limited and

Bill No. 8044

Introduced in Council:

August 5, 2024

Introduced by:

Larry Moore

Adopted by Council:

Referred to:

Municipal Planning Commission
Planning, Streets, and Traffic
Committee, Finance Committee

1 A Bill closing, abandoning and discontinuing as a public right of way, a 10-foot wide by 250 foot,
2 long public right located between Randolph and Virginia Streets, Charleston, WV 25302 in Block
3 20, J. B. Walker Addition, situate in Charleston West District, Kanawha County, West Virginia.
4

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

6
7 1. The 10 foot wide by 250 long pubic right located between Randolph and Virginia Streets,
8 Charleston, WV 25302 in Block 20, J. B. Walker Addition, situate in Charleston West District,
9 Kanawha County, West Virginia, as shown on that certain map or plat entitled "PLAT OF SURVEY
10 FOR MEMBERS CHOICE WV FEDERAL CREDIT UNION BEING PARCEL "A" 10' ALLEY TO BE
11 ABANDONED BY THE CITY OF CHARLESTON, BLOCK 20, J.B. WALKER, CHARLESTON WEST
12 CORPORATION, KANAWHA COUNTY, WEST VIRGINIA" prepared by Wilkinson Surveying, LLC,
13 Philip L. Longenecker, PLS#1026, dated March 7, 2024, and attached hereto as Exhibit A. The
14 alley is more particularly described as follows:
15

16 BEGINNING at a corner to a 10' alley and southwesterly r/w line of Randolph Street
17 corner to John Nicoloudakis; thence, crossing the alley and with the southwesterly r/w
18 line of Randolph Street, S. 31° 56' E. 10.00' to a mag. Nail set corner to Members Choice
19 WV Federal Credit Union; thence, leaving Randolph Street with the Members Choice
20 line, S. 58° 04' W. 250.00' to a point in the northeasterly r/w line of Virginia Street West
21 corner to Members Choice; thence crossing the alley and with the northeasterly r/w line
22 of Virginia Street West, N. 31° 56' W. 10.00' to a point corner to Members Choice;
23 thence, leaving the northeasterly r/w line of Virginia Street West and with the Members
24 Choice line, N. 58° 04' E. 250.00 to the point of beginning, containing **0.06 acres, more
25 or less;**

26 2. The Mayor of the City of Charleston be, and is hereby authorized and direct to execute,
27 acknowledge and deliver a proper deed conveying to the Members Choice WV Federal Credit
28 Union, all right, title and interest in and to said real property as described in Section 1 above, for
29 the consideration of Thirteen Thousand Dollars and no cents (\$13,000).
30

31 3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby
32 repealed to the extent of such inconsistency.
33



CONCLUSION

The identified comparable sales have been qualitatively compared to the bank property that adjoins the alley, considering sale attributes and physical differences. Any indication of a comparable property's superiority or inferiority to the adjacent property is utilized to rank or bracket its market value in relative comparison.

The sales shown in the comparison grids on the prior pages are of similar properties in similar/competing marketing areas (unless noted and adjusted for a difference in demographics). The indicated value range is basically from a low of \$2.93/unit to a high of \$8.03/unit, with a weighted average, average and median around \$4.77-5.19/unit.

Emphasis is often placed on those sales with the lowest gross adjustments, tempered by those closest in proximity and most recent in date of sale tempered with the remaining sales. As a result, a point value around the weighted average, median and the average for sales of similar unit counts and construction dates at \$5/unit is felt to appropriately reflect the market value of the subject property. Following is a summary of the sales approach:

Sales Comparison Approach Summary	
<i>Value per unit/sf</i>	
<i>Indicated Value (rounded)</i>	\$13,000
<i>Value per unit</i>	\$5.00 / unit

Source: J. R. Thornton

This develops the as-is market value via the sales comparison technique as of the date of valuation.

SURVEY NOTES:

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. NO ABSTRACT OR TITLE WAS FURNISHED TO THE SURVEYOR. THIS SURVEYOR HAS MADE NO INVESTIGATION NOR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, NOR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

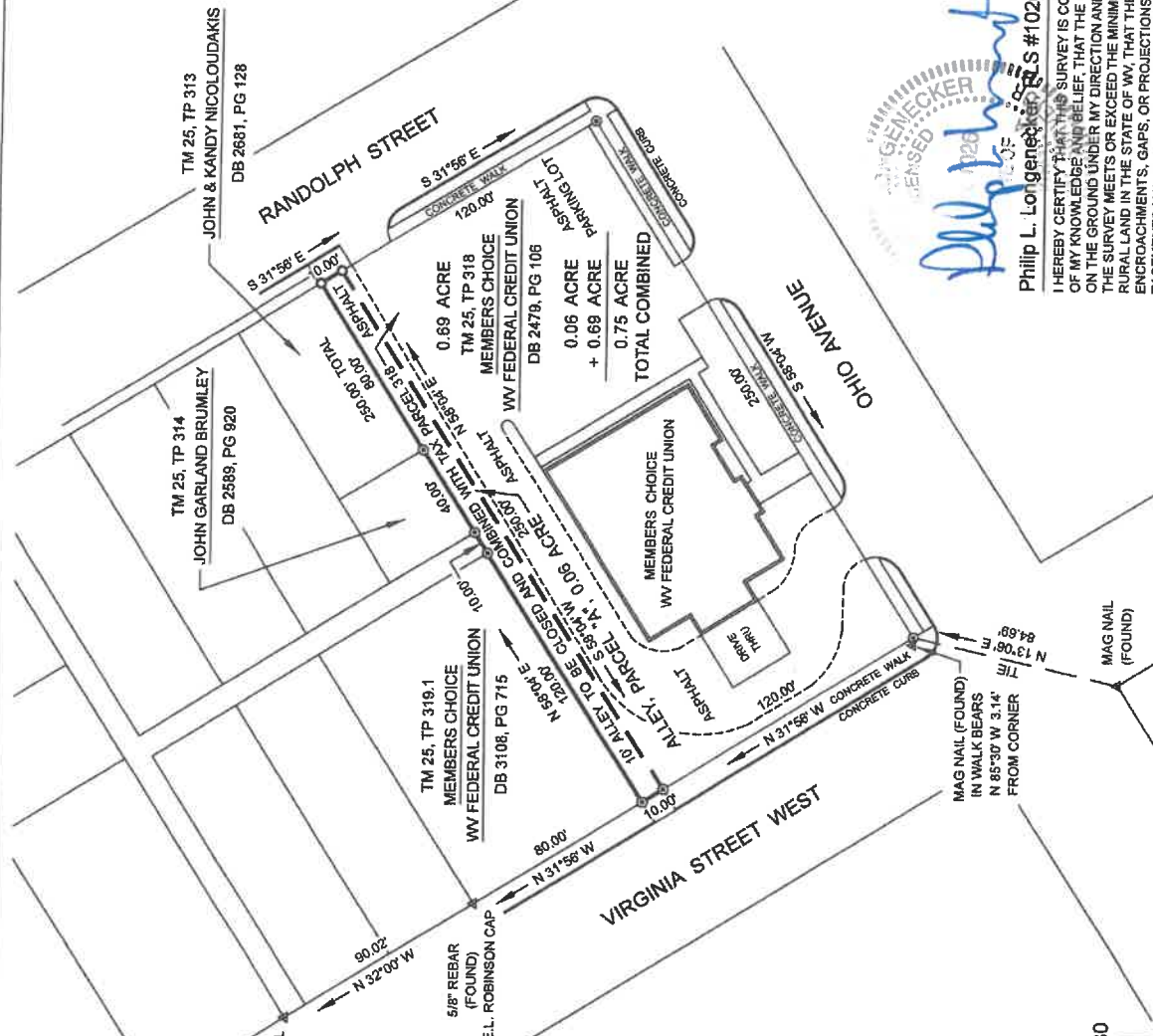
EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS AND RIGHTS OF WAY OTHER THAN THOSE VISIBLE AT THE TIME OF THE SURVEY, THOSE KNOWN AND OF RECORD, OR AS PROVIDED BY THE CLIENT, RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO SHOW ANY DATA CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY, MUNICIPAL OR PUBLIC SERVICE FACILITY.

FIELD LOCATE AND VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. CALL MISS UTILITY OF WV. PHONE 1-800-245-4848

LEGEND

- ▲ MONUMENT (FOUND) (AS NOTED)
- 5/8" REBAR (SET)
- ⊙ CALCULATED POINT
- PROPERTY LINE
- RAW LINE
- X — FENCE LINE
- — — BUILDING LINE
- — — ASPHALT LINE
- LAND HOOK (CONTIGUOUS PARCELS)
- () DEED CALL



Philip L. Longenecker
 Surveyor License #1026
 I HEREBY CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION, THAT THE SURVEY MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS FOR RURAL LAND IN THE STATE OF WV, THAT THERE ARE NO VISIBLE ENCROACHMENTS, GAPS, OR PROJECTIONS OTHER THAN SHOWN. EASEMENTS MAY EXIST AND ARE NOT SHOWN HEREON.



DUNBAR, WV MARCH 07, 2024
 PHONE: 304-768-5678

PLAT OF SURVEY FOR
MEMBERS CHOICE
WW FEDERAL CREDIT UNION
 BEING PARCEL "A"
 10' ALLEY TO BE ABANDONED
 BY THE CITY OF CHARLESTON
 BLOCK 20, J.B. WALKER
 CHARLESTON WEST CORPORATION
 KANAWHA COUNTY, WEST VIRGINIA



EXHIBIT "A"

The 10 foot wide by 250 long public right located between Randolph and Virginia Streets, Charleston, WV 25302 in Block 20, J. B. Walker Addition, situate in Charleston West District, Kanawha County, West Virginia, as shown on that certain map or plat entitled "*Plat of Survey for Members Choice WV Federal Credit Union Being Parcel "A" 10' Alley to be Abandoned by the City of Charleston, Block 20, J.B. Walker, Charleston West Corporation, Kanawha County, West Virginia*" prepared by Wilkinson Surveying, LLC, Philip L. Longenecker, PLS#1026, dated March 7, 2024, and attached hereto as Exhibit A. The alley is more particularly described as follows:

*Beginning at a corner to a 10' alley and southwesterly r/w line of Randolph Street corner to John Nicoloudakis; thence, crossing the alley and with the southwesterly r/w line of Randolph Street, S. 31° 56' E. 10.00' to a mag. Nail set corner to Members Choice WV Federal Credit Union; thence, leaving Randolph Street with the Members Choice line, S. 58° 04' W. 250.00' to a point in the northeasterly r/w line of Virginia Street West corner to Members Choice; thence crossing the alley and with the northeasterly r/w line of Virginia Street West, N. 31° 56' W. 10.00' to a point corner to Members Choice; thence, leaving the northeasterly r/w line of Virginia Street West and with the Members Choice line, N. 58° 04' E. 250.00 to the point of beginning, containing **0.06 acres, more or less;***



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June 24, 2024

RE: CLOSURE OF ALLEY
307 ½ Randolph Street – Richard & Michelle Thompson
Members Choice WV Federal Credit Union
Randolph Street to Virginia Street West
Charleston West District, Kanawha County, WV
File#: 24-MI-064

Members Choice WV Federal Credit Union (“Members”) with regard to the only property adjoining the requested alley closure not owned by Members being 307 ½ Randolph Street which is owned by Richard & Michelle Thompson. The Thompson’s home address is 5 Upper Dartmouth Street, Charleston, WV 25302, and there phone number is 304-421-0021.

Members had multiple discussions over purchasing the property, however the present owners will not do so until the present tenant vacates the property. Members was advised that the owners nor the tenant has any objection to the closure of the alley. Further, the current tenant does NOT have an automobile, has no need therefore for a place to park or have vehicular access to the property. If it is needed, access can be through the alley on the other end of the block. In addition, Members, offered a parking spot to the owners or tenant if they need to access the property on Members parking lot, which is more than the property has at present which is only street parking on Randolph Street.

Sincerely,

L. Richard Dorsey, II

Resolution No. 24-004

Introduced in Council:

August 5, 2024

Introduced by:

Mary Beth Hoover

Adopted by Council:

_____, 2024

Referred to:

Municipal Planning Commission
Council Committee on Planning
Council Committee on Finance

1
2 Resolution No. 24-004 - Ratifying the conveyance of 650.8 square feet of property at 111 Court
3 Street to the Kanawha County Building Commission for the new Kanawha County Judicial
4 Building expansion project in the City of Charleston, West Virginia. The design of the second
5 floor of the two-story addition located at the corner of Court Street and Virginia Street cantilevers
6 and extends over the Court Street property line to provide a weather protected single-point of
7 controlled and secure access to the entire facility.

8
9 WHEREAS, the new entry condition amenity being provided will make the Kanawha
10 County Judicial Building more accommodating to the general public and will enhance the safety
11 and welfare of the judiciary, court staff, judicial security and visitors; and

12
13 WHEREAS, it is considered by Council that conveying the City property to provide
14 reasonable and necessary protection from the elements and that the interests of public safety of
15 citizens is paramount to the expansion's design intent and improvements, by the conveying of the
16 said property.

17
18 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

19
20 (1) That the Kanawha County Building Commission is hereby granted a conveyance
21 of property for the purpose of constructing, operating, maintaining, repairing, and replacing the
22 projecting portion of the building addition for sheltered single-point of controlled and secured
23 access for the Kanawha County Judicial Building expansion project, with the design, engineer and
24 construction to be in compliance with all local and state building codes and in accordance with
25 plans, drawings and specifications attached hereto, incorporated herein, and made a part hereof;

26
27 (2) This conveyance shall be upon the expressed condition and limitation that the
28 Property is conveyed to the Kanawha County Building Commission as long as the Kanawha
29 County Judicial Building continues to be operated as a public and government building. If the
30 Property ceases to be used as part of a public and government building, the title to the Property
31 shall automatically revert to, and be vested solely in, the City, with no further action or demand
32 required by the City;

33

34 (3) This conveyance shall be upon the expressed condition and limitation that the
35 Kanawha County Building Commission maintain access to the existing public sidewalk and
36 maintain the Property as a public right-of-way before, during, and after construction of the
37 Kanawha County Judicial Building expansion project. No person shall construct improvements or
38 take any actions which would interfere with the public right-of-way; and
39

40 (4) Therefore, upon review and approval by legal counsel for the City, and the City
41 Engineer, the Mayor of the City of Charleston is hereby authorized and directed to execute a Deed
42 conveying the City's property to the Kanawha County Building Commission to build the
43 projection over the Court Street public way, subject to and conditioned upon the Kanawha County
44 Building Commission, and its lessees, successors or assigns' compliance with this Resolution, and
45 the payment of a total of Zero and no/100 dollars, as authorized by West Virginia Code § 1-5-3.
46

NO.	DATE	REVISION

TERRADON
 Engineering • Surveying • Land Planning
 Testing & Inspection
 (304) 755-8291 www.terraddon.com

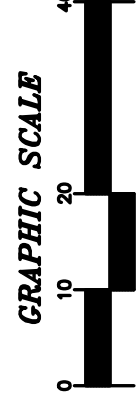
KANAOWHA COUNTY BUILDING COMMISSION
 DB: 1829 PG: 334
 TM: 3 PAR: 13

EXHIBIT MAP FOR RIGHT-OF-WAY CONVEYANCE
 KANAOWHA COUNTY COURTHOUSE ANNEX
 111 COURT ST., VIRGINIA ST., CHARLESTON, WV
 CHARLESTON EAST DISTRICT, KANAOWHA COUNTY, WV

Project No:	2401-0105-001
Drawn:	DAB
Checked:	RFT
Approved:	RFT
Scale:	1"=20'
Date:	08/05/2024
CDL File #	KAN CO ANNEX

S1

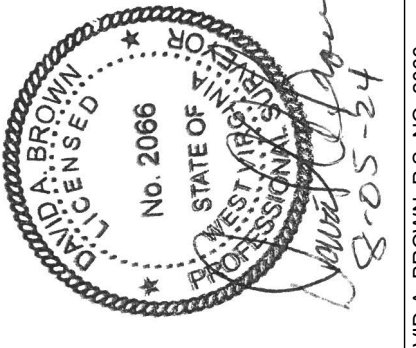
LEGAL DESCRIPTION
 651.2 SQUARE FOOT AREA FOR RIGHT-OF-WAY CONVEYANCE BEING A TRACT OF LAND SITUATED IN THE CITY OF CHARLESTON, KANAOWHA COUNTY, WEST VIRGINIA, LOCATED AT THE CORNER OF COURT STREET AND VIRGINIA STREET EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT AN "X" IN CONCRETE SIDEWALK AT THE CORNER OF THE HEREBY REFERENCED STREETS, THENCE LEAVING VIRGINIA STREET EAST AND WITH THE EXISTING RIGHT OF WAY LINE OF COURT STREET, THENCE LEAVING COURT STREET EAST AND WITH THE EXISTING RIGHT OF WAY LINE OF VIRGINIA STREET EAST, THENCE LEAVING SAID RIGHT OF WAY AND WITH THREE NEW CALLS THROUGH THE EXISTING COURT STREET RIGHT-OF-WAY:
 S43°04'07" E 8.80 FEET TO A 1/4" ILL. SET IN CONCRETE;
 S43°04'07" E 8.80 FEET TO A 1/4" ILL. SET IN CONCRETE;
 N43°34'00" W 8.80 FEET TO THE PLACE OF BEGINNING, CONTAINING 651.2 SQUARE FEET, MORE OR LESS AS SURVEYED BY TERRADON CORPORATION.



- Survey Notes:**
- Floodplain Information: in Flood Zone X, an area outside the 100-year Floodplain Flood Insurance Rate Map Number 54038C040E, Effective Date: February 6, 2008.
 - Horizontal Datum: North American Datum of 1983, (NAD 83), West Virginia, South Zone, Vertical Datum: North American Vertical Datum of 1988, (NAVD 88), Datum established by GPS observations at the time of this survey.
 - Existing underground utilities shown hereon are approximate locations based on existing structures surveyed, underground utilities as shown on previous surveys of record, utilities marked in response to WV811 ticket 2400030059.

LEGEND

	SURVEYED PROPERTY LINE
	OTHER PROPERTY LINES
	EXISTING FENCE LINE
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING WATER LINE
	EXISTING GAS LINE
	OVERHEAD ELECTRIC
	OVERHEAD ELECTRIC/CABLE/TELEPHONE
	UNDERGROUND ELECTRIC
	UTILITY UNKNOWN
	58" REBAR WITH CAP SET
	FOUND MONUMENTATION
	BOLLARD
	EXISTING FIRE HYDRANT
	EXISTING WATER OR GAS METER
	EXISTING WATER OR GAS VALVE
	UTILITY POLE
	GUY WIRE
	STREET LIGHT
	SIGNAL POLE
	DOWNSPOUT
	EXISTING TREE
	GUARDRAIL
	SIGN
	SHRUBS
	EXISTING BUILDING
	EXISTING CANOPY/OVERHANG
	DRAWN ACCORDING TO RECORD
	ASPHALT SURFACE
	CONCRETE SURFACE
	AREA OF RIGHT-OF-WAY CLOSURE



DAVID A. BROWN, P.S. NO. 2086 DATE

