

**ORDINANCE NO. 455 OF THE CITY OF BUCKHANNON, AN ORDINANCE APPROVING THE PURCHASE OF ALL OF THAT LOT OR PARCEL OF LAND, AND ALL THE BUILDINGS AND APPURTENANCES THEREUPON AND THEREUNTO BELONGING, SITUATED FRONTING ON THE SOUTH SIDE OF EAST MAIN STREET, WITH A COMMONLY KNOWN ADDRESS OF 61 EAST MAIN STREET, PRESENTLY TITLED IN THE NAME OF CATHERINE CUPPARI, AND SPECIFICALLY AUTHORIZING THE NET EXPENDITURE OF \$150,000 OF MUNICIPAL FUNDS FOR SAID PURCHASE**

WHEREAS, the Council of the City of Buckhannon has determined that the Central Commercial Business District is an area deserving of particular attention as the City strives to develop and maintain a thriving central downtown core and Jawbone Park area; and,

WHEREAS, the Council of the City of Buckhannon has determined that the expansion and enhancement of the City's STOCKERT YOUTH AND COMMUNITY CENTER is an important part of providing municipal services to residents of the City of Buckhannon, and a key component of enhancing a growing and active downtown commercial core; and,

WHEREAS, the captioned property is located adjacent to the aforesaid STOCKERT YOUTH AND COMMUNITY CENTER and is identified as the location upon which a planned expansion of the Center's physical plant will be constructed; and,

WHEREAS, the Council has determined that the acquisition of the captioned property, being situate at 61 East Main Street, and described upon the real property tax rolls of Corporation District, Upshur County, West Virginia as Map 4, Parcels 361 & 363, will further accomplish the Council's municipal purpose of promoting the enhancing the offerings of the Stockert Youth and Community Center as well as the Central Commercial Business District; and,

WHEREAS, the captioned property has been offered for sale to The City of Buckhannon by its present owner, who has agreed to grant and convey said property to the City for the sum of One Hundred Fifty Thousand Dollars (\$150,000.00); and,

WHEREAS, the real property tax assessment of the captioned property supports and validates its value to be in excess of the purchase price; and,

WHEREAS, the Council now deems the purchase price of One Hundred Fifty Thousand Dollars (\$150,000.00) to be a fair, just and equitable amount for the City to pay for the acquisition of the captioned property; and,

WHEREAS, the City possesses funds to fund this acquisition; and,

WHEREAS, Chapter 8, Article 12, Section 1 of the Code of West Virginia, 1931, as Amended, empowers The City of Buckhannon to purchase real property for any municipal purpose, and Chapter 8, Article 11, Section 3, Subsection (6) of said Code requires that the purchase of private property by a municipality shall be by ordinance; and,

WHEREAS, the Council of The City of Buckhannon desires in all respects to comply with the statutes of the State of West Virginia insofar as the acquisition and purchase of the captioned property is concerned.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

ARTICLE I – FINDINGS OF COUNCIL: The Council of the City of Buckhannon hereby makes the following findings:

(1) It is necessary for the expansion of the physical plant and programmatic offerings of the City's Stockert Youth and Community Center to acquire the captioned property, which is located adjacent to the Center;

(2) It is further reasonable and necessary for the development and maintenance of the vibrancy of the Central Commercial Business District, and the development and protection of the Jawbone Park area, as a consequence of the physical and programming expansion of the Stockert Youth and Community Center, that the City of Buckhannon assumes ownership of the captioned property;

(2) The captioned property shall be used for the municipal purpose of the construction and use of an extension of the physical plant of the Stockert Youth and Community Center, the details of which will be determined by the Council upon due deliberation and dialogue with the citizens of the City of Buckhannon and other stakeholders;

(3) The agreed-upon sum of One Hundred Fifty Thousand Dollars represents a fair and reasonable consideration for the captioned property;

(4) The Council of The City of Buckhannon now desires to formally, and in all respects does, approve and endorse the City's acquisition and purchase of the captioned property for the aforesaid purchase money amount; and

(5) The Mayor of the City of Buckhannon, Robert N. Skinner, III, is expressly authorized and empowered to execute, acknowledge, and deliver on behalf of The City of Buckhannon any and all agreements or other documents as may be deemed reasonable or necessary to realize the City's acquisition of the captioned property, and further to accept on the City's behalf the delivery of a good and sufficient deed of conveyance from the said CATHERINE CUPPARI, to evidence the City's purchase and acquisition of the captioned property.

ARTICLE II – EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (2<sup>nd</sup>) reading, passage and adoption by the Council of the City of Buckhannon.


FIRST READING January 20, 2022

SECOND READING, PASSAGE AND ADOPTION January 27, 2022

  
Robert N. Skinner, III, Mayor

CERTIFICATE OF PASSAGE AND ENACTMENT

I, Randall H. Sanders, Recorder of the City of Buckhannon, a West Virginia municipal corporation, do hereby certify that the foregoing Ordinance No. 455 was lawfully ordained and enacted by the Council of the City of Buckhannon during a regular meeting of the City Council on January 27, 2022.

  
Randall H. Sanders, City Recorder