

ORDINANCE NO. 460 OF THE CITY OF BUCKHANNON, AN ORDINANCE APPROVING THE PURCHASE OF A 2,474 SQUARE FOOT PORTION OF THAT LOT OR PARCEL OF LAND FRONTING ON THE NORTH SIDE OF EAST LINCOLN STREET, WITH A COMMONLY KNOWN ADDRESS OF 10 EAST LINCOLN STREET, PRESENTLY TITLED IN THE NAME OF IVA VIRGINIA MILLER, AND SPECIFICALLY AUTHORIZING THE NET EXPENDITURE OF \$10,000 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 that property purchased by the City of Buckhannon pursuant to Ordinance No. 443 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 property purchased pursuant to the aforesaid Ordinance No. 443, and is identified as the location upon which a planned expansion of Jawbone Park will be placed; and,

WHEREAS, the Council has determined that the acquisition of the captioned property, being part of that property situate at 10 East Lincoln Street, and described upon the real property tax rolls of Corporation District, Upshur County, West Virginia as being part of Map 7, Parcel 167, will further accomplish the Council's municipal purpose of promoting and enhancing the offerings of Jawbone Park 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 Ten Thousand Dollars (\$10,000.00); 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 Ten Thousand Dollars (\$10,000.00) 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 and reasonable 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, said property being a parcel containing approximately 2,474 square feet, as depicted upon the Plat of Survey and “Description of Survey” attached hereto and incorporated herein by reference;

(2) The captioned property shall be used for the municipal purpose of the construction and use of an extension of the physical plant of Jawbone Park, 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 Ten 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 IVA VIRGINIA MILLER, 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 (2nd) reading, passage, and adoption by the Council of the City of Buckhannon, (i.e., September 1, 2022).

FIRST READING	July 21, 2022
SECOND READING, PASSAGE AND ADOPTION	August 2, 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. 460 was lawfully ordained and enacted by the Council of the City of Buckhannon during a regular meeting of the City Council on August 4, 2022.


Randall H. Sanders, City Recorder