

ORDINANCE NO. 463 OF THE CITY OF BUCKHANNON, AN ORDINANCE APPROVING THE CITY'S CONVEYANCE TO WEST VIRGINIA WESLEYAN COLLEGE, INC., A WEST VIRGINIA NON-PROFIT CORPORATION OF TWO PARTICULAR TRACTS OF PARCELS OF REAL PROPERTY IN TRADE AND EXCHANGE FOR FIFTEEN PARTICULAR TRACTS OR PARCELS OF REAL PROPERTY, AS WELL AS AN AGREEMENT FOR THE CITY TO VACATE CERTAIN CITY STREETS, ALLEYS, OR PORTIONS THEREOF, ALL OF SAID REAL ESTATE SITUATED IN CORPORATION DISTRICT OF UPSHUR COUNTY, WEST VIRGINIA

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WHEREAS, West Virginia Wesleyan College, Inc., a West Virginia non-profit corporation, has been a vital part of the Buckhannon-Upshur Community since its founding, as an outstanding institution of higher learning, both for residents of the Buckhannon-Upshur community and for others who come to make Buckhannon their home through their association with the College; and,

WHEREAS, in addition to the indispensable place West Virginia Wesleyan College holds in our community, the College and its sponsoring institution have been fixtures throughout the community for years, both as a major community employer and a participant in community initiatives; and,

WHEREAS, West Virginia Wesleyan College owns certain parcels of land more particularly described herein, which would afford the City of Buckhannon an opportunity to expand certain of its recreational holdings and offerings to the public; and,

WHEREAS, the City of Buckhannon also owns a certain parcel of land more particularly described herein, which would afford West Virginia Wesleyan College an opportunity to more efficiently manage its existing physical plant; and,

WHEREAS, pursuant to the statutory provisions of Chapter 8, Article 12, Section 18(b) of the West Virginia Code, as amended, the City is specifically authorized and empowered to enter real estate transactions involving the trade of municipally owned property for the acquisition of new or other property for the City without being required to publicly auction the municipally owned property; and,

WHEREAS, both the Council of the City of Buckhannon and the City's Consolidated Public Works Board previously determined that the proposed trade of City owned property for property owned by West Virginia Wesleyan College, Inc. was a fair, reasonable and proper real estate transaction that resulted in the public interest best being served, and in both the City and the public in general, realizing valuable benefits from the consummation of the proposed trade of the herein described property with West Virginia Wesleyan College; and,

WHEREAS, the statutory provisions of Chapter 8, Article 11, Section 3, Subsection (6) of the West Virginia Code, as amended, specifically provide that both the purchase of private property by a municipality and the conveyance of municipally owned property 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 and particularly with the immediately hereinbefore referenced state statutes insofar as the acquisition, trading and conveyance of the subject real estate 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) A trade and conveyance of real estate owned by the City and West Virginia Wesleyan College, Inc., a West Virginia non-profit corporation, (hereafter, "College") is of valuable benefit to both the City's recreational and public works operations and the public in general;

(2) The value of the real estate interests proposed for trade and conveyance by the College to the City is at least equivalent to the value of the real estate proposed for trade and conveyance;

(3) The Council of the City of Buckhannon now desires formally and in all respects to ratify, confirm, approve, accept and endorse the City's conveyance of the real estate more particularly described or referenced in Article II hereof in trade and exchange for the College's conveyance of the real estate described or referenced in Article III hereof; and,

(4) The Mayor of the City of Buckhannon is hereby duly authorized and empowered to execute, acknowledge and deliver on behalf of the City of Buckhannon, by special warranty deed together with any and all other reasonable, necessary or proper documents respecting the conveyance of the City-owned real estate described in Article II hereof to West Virginia Wesleyan College, Inc.; and,

(5) The City shall further undertake proceedings to vacate those public streets or alleys identified in Article IV, pursuant to the provisions of West Virginia Code.

(6) Any conveyance of said streets or alleys to the College shall provide reservations of use to other property owners whose lands adjoin said alleys, as far as said alleys actually adjoin the lots or lands of those other owners.

ARTICLE II - CITY REAL ESTATE TO BE TRADED AND CONVEYED UNTO WEST VIRGINIA WESLEYAN COLLEGE, INC., A WEST VIRGINIA NON-PROFIT CORPORATION:

Those tracts identified on the real property tax records of Corporation District, Upshur County, West Virginia, as follows (with their commonly known addresses):

- 1) Tax Map 4, Parcel 337 (17 Factory Street)
- 2) Tax Map 4, Parcel 327.1 (21 Factory Street)

ARTICLE III – WEST VIRGINIA WESLEYAN COLLEGE, INC., REAL ESTATE TO BE TRADED AND CONVEYED UNTO THE CITY:

Those tracts identified on the real property tax records of Corporation District, Upshur County, West Virginia, as follows (with their commonly known addresses):

- 1) Tax Map 8, Parcel 191 (8-10 Randolph Street)
- 2) Tax Map 8, Parcel 192 (16 Randolph Street)
- 3) Tax Map 8, Parcel 193 (13 Wood Street)
- 4) Tax Map 8, Parcel 194 (20 Randolph Street)
- 5) Tax Map 8, Parcel 195 (21 Wood Street)
- 6) Tax Map 8, Parcel 255 (Camden Ave – Randolph Street Alley – 273')
- 7) Tax Map 8, Parcel 175 (80 Camden Avenue)
- 8) Tax Map 8, Parcel 184 (77 Randolph Street)
- 9) Tax Map 8, Parcel 236 (78 Randolph Street)
- 10) Tax Map 8, Parcel 237 (79 Wood Street)
- 11) Tax Map 13, Parcel 78.1 (228 Randolph Street)
- 12) Tax Map 13, Parcel 113 (228 Randolph Street)
- 13) A 21,417 square foot portion on the northern end of Tax Map 8, Parcel 252
- 14) Tax Map 8, Parcel 253, etc (balance of parcels to be determined) (Rail Trail)
- 15) Restroom building located upon a portion of Tax Map 5, Parcel 123 (Camden Avenue)

ARTICLE IV – PUBLIC STREETS, ALLEYS, OR WAYS TO BE VACATED BY THE CITY OF BUCKHANNON IN PROCEEDINGS TO FOLLOW THE ENACTMENT OF THIS ORDINANCE:

- 1) Silverbells Lane, from its origination point at the railroad tracks south of the walk trail to a point 178 feet south of its intersection with Braxton Street.
- 2) Snowgoose Lane, from its origination point at the walk trail to a point 178 feet south of its intersection with Braxton Street.
- 3) Stewart Lane

ARTICLE V - 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., June 15, 2023.

FIRST READING: May 4, 2023  
SECOND READING, PASSAGE AND ADOPTION: May 16, 2023

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Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 463 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on May 16, 2023.

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Randall H. Sanders, City Recorder