

REQUIREMENTS FOR PETITION TO CLOSE ROADWAY

GUIDELINES FOR PETITION TO CLOSE ROADWAY

Property owners must present a signed petition and necessary attachments, to the Raleigh County Commission.

After review of the petition and necessary attachments and when deemed complete by the Raleigh County Commission, a public hearing shall be set and held. The applicant shall serve notice of a public hearing a minimum of fifteen (15) days prior to the hearing date. Notice of the hearing date will be provided by placing a Class I legal advertisement in the "general circulation" newspaper and by sending notification by certified mail to adjacent property owners, as herein defined, at least fifteen (15) days prior to the hearing date.

All applicants must appear at the hearing either in person or by representative.

The following items are required to constitute a complete petition:

1. Petition (Form RC-1)
2. Surveyed Plat Map (Form RC-2).
3. Listing of adjacent property owners (Form RC-3).
4. Legal advertisement (Form RC-4).

CHECKLIST FOR ROADWAY CLOSING

- _____ Petition (Form RC-1)
- _____ Surveyed Plat Map (Form RC-2)
- _____ Listing of Adjacent Property Owners (Form RC-3)
- _____ Legal Advertisement Notification (Form RC-4)

TO THE COUNTY COMMISSION OF RALEIGH COUNTY

DATE: _____

PROPERTY OWNER: _____

ADDRESS: _____

AGENT (if applicable): _____ Telephone _____

AGENT'S ADDRESS: _____

PROPERTY ADDRESS AND LOCATION: _____

PROPERTY TAX ID: District _____; Map _____; Parcel _____

I certify that the information supplied on this petition and other information provided is accurate and true to the best of my knowledge.

SIGNATURE OF OWNER: _____

SIGNATURE OF AGENT (if applicable): _____

Taken, subscribed and sworn to before the undersigned authority this the _____ day of _____, 20____.

My commission expires: _____

NOTARY PUBLIC

PLOT PLAN MAP REQUIREMENTS

Form RC-2

The petition shall be accompanied by a surveyed plat map, clearly showing the following:

1. The boundaries and dimensions of the roadway to be closed, along with a metes and bounds description. If closed roadway is to be granted to multiple owners, map must show metes and bound description for each owner to be granted a section of the closed roadway.
2. All adjacent property owners along the roadway to be closed. Adjacent owners shown must comply with Form RC-3.
3. Location of all utilities and utility easements.
4. Title Block, Surveyors Stamp and Signature, Date and Scale.

ADJACENT PROPERTY OWNERS

Form RC-3

In addition to a Class I legal advertisement (Form RC-4), notice must be sent to all adjacent property owners. Notification shall be by certified mail and must occur a minimum of fifteen (15) days prior to the public hearing. Proof that notification was sent may be made by submission of the certified receipts. The applicant's requirement to notify adjacent property owners will be fulfilled if the notification is mailed to the adjacent property owners' current address as listed with the County Assessor's office.

Adjacent property owners shall mean all persons, firms, corporations, etc. whose property borders at any point of the roadway to be closed.

Notification shall be given to property owners or other entities that the Raleigh County Commission may deem necessary. The locations of all property owners to be notified are to be shown on the Plot Plan Map.

Notification must, at a minimum, advise the property owner that his/her property is adjacent to the roadway proposed to be closed. Also, the notification must contain a copy of completed Form RC-4.

Failure to fully comply with this section will require the public hearing to be rescheduled and proper notice to be given again.

IN THE COUNTY COMMISSION OF RALEIGH COUNTY, WEST VIRGINIA

IN RE:

Petition of _____ to close roadway.

PETITION

Now comes the Petitioner(s), _____ who after being duly sworn herein, says:

1. The Petitioner(s) respectfully represents that they are the owner(s) of real estate located in _____, Raleigh County, West Virginia;
2. That there is an unused road adjacent to their property;
3. That there are no other property owners who would be affected by the closing of the said road;

WHEREFORE, Petitioners pray:

1. That a hearing be set on the matter set forth in this petition;
2. That the unused road be declared abandoned and closed;
3. That the petitioner(s) be awarded the property that enjoins his lot(s); and is now shown as a road on Tax Map _____, _____ District, Raleigh County, West Virginia, which is hereby attached and labeled "Exhibit 1";
4. And any such further relief as this Honorable Court deems proper.

Petitioner

RALEIGH COUNTY COMMISSION
NOTICE OF PUBLIC HEARING

Notice is hereby given that on the _____ day of _____, (date) (month) (year),

in the County Commission Courtroom, 116 1/2 North Heber Street, Beckley, West Virginia at 10:00

am, the County Commission of Raleigh County, West Virginia will hold a public hearing upon the

petition of _____ for the purpose of closing (applicant name)

_____ (name of proposed roadway closing)

Any person wishing to be heard concerning this matter should be present at the time and place indicated above. Written comments concerning this matter received by _____ will be considered. Written comments should be sent to: Raleigh County Commission, 116 1/2 N. Heber Street, Beckley, West Virginia 25801. A copy of the petition for public review is on file in the office of the County Commission at the address listed above.

IN THE COUNTY COMMISSION OF RALEIGH COUNTY, WEST VIRGINIA
ORDER

IN RE: PETITION BY _____ TO CLOSE ROAD

This the _____ day of _____, 2005, came the Petitioner, _____, in person, pursuant to notice as provided by Section 7-1-3(h) of the West Virginia Code, a Class I legal advertisement in The Register- Herald.

Upon presentment of evidence and due consideration by the County Commission.

The Raleigh County Commission finds that the use and rights of no person shall be impaired or lost by the closing and vacating such road and alley.

It is ORDERED that the roadway identified as a section of _____ Street, and being _____ feet by _____ feet, (as described on the attached map), be and it is hereby ORDERED closed and abandoned, and further awarded to the petitioner(s), _____.

ENTER:

John L. Aliff, President

ATTEST:

Betty Riffe, County Clerk

IN THE COUNTY COMMISSION OF RALEIGH COUNTY, WEST VIRGINIA

RE: AN ORDER AMENDING ROAD CLOSING REGULATIONS FOR RALEIGH COUNTY,
WEST VIRGINIA

It appearing to the County Commission of Raleigh County that Clayton Terry, submitted an amended guidelines and regulations for Road Closing petitions submitted to the County Commission of Raleigh County.

The County Commission, by vote has determined that the guidelines and regulations be amended and that the guidelines and regulations shall be used by petitioners of all future road closing.

Effective this 16th day of May, 2005.

John L. Aliff, President

Pat Reed, Commissioner

John D. Humphrey, Commissioner

ATTEST: _____
Betty Riffe, County Clerk