

**ARTICLE 909**  
**Abandonment of Streets, Alleys or Public Ways**

<b>909.01</b>	<b>Petition to abandon.</b>	<b>909.05</b>	<b>Grounds for disapproval.</b>
<b>909.02</b>	<b>Deposit of costs; fees nonreturnable.</b>	<b>909.06</b>	<b>Division of abandoned public way.</b>
<b>909.03</b>	<b>Referral to City Engineer.</b>	<b>909.07</b>	<b>Quitclaim deed.</b>
<b>909.04</b>	<b>Action by Council; hearing.</b>		

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**909.01 PETITION TO ABANDON.**

(a) Any person may file with the City Recorder his petition, duly verified, setting forth the facts and reasons for abandonment and vacation of some street, alley or public way and request that the City abandon and vacate the same and the interest of the petitioner in the abandonment and vacation. Accompanying such petition shall be an engineer's plat or map thereof showing the portion of any street, alley or public way proposed to be abandoned, together with the names and addresses of the abutting property owners; also attached to such petition shall be letters or affidavits of the abutting property owners showing their consent to the abandonment or vacation. In the event the latter cannot be obtained, the reason for its omission shall be fully indicated in the petition.

(b) Also accompanying such petition shall be sufficient information documenting title of the abutting property owners, giving deed book, page, date of deed and record date; the names of the grantor and grantee; will book, page and date if it was by will; data as to inheritance if it was by inheritance and all the information which would be necessary in order to identify and verify the ownership of the persons desiring quitclaim deeds and also furnishing sufficient information to the City Engineer and City Attorney for the preparation of such deeds prior thereto.

(Passed 4-24-84.)

**909.02 DEPOSIT OF COSTS; FEES NONRETURNABLE.**

The petitioner shall deposit, at the time of filing his petition, the sum of one hundred dollars (\$100.00) plus twenty-five dollars (\$25.00) for each quitclaim deed to cover the administrative cost, cost of publication, the costs of preparation of the deeds and recordation thereof. No part of the filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.

(Passed 4-24-84.)

**909.03 REFERRAL TO CITY ENGINEER.**

Upon receipt of the petition hereinbefore mentioned, the Recorder shall present the same to Council. Council shall then, by motion, refer the petition to the City Engineer for consideration and recommendation. The City Engineer shall ascertain and determine whether the street, alley or public way serves or is expected to serve any public purpose. The recommendation of the City Engineer shall be in writing and shall accompany the petition and be returned to Council. The recommendation of the City Engineer shall be advisory only.

(Passed 4-24-84)

**909.04 ACTION BY COUNCIL; HEARING.**

Upon receipt of the return of the petition and the recommendation of the City Engineer, Council shall consider an ordinance providing for the vacation and abandonment of the street, alley or public way. A public hearing thereon shall be held in the same manner as that for an ordinance for raising revenue, West Virginia Code 8-11-4(a)(2).

(Passed 4-24-84)

**909.05 GROUNDS FOR DISAPPROVAL.**

Council shall not approve an abandonment or vacation of any street, alley or public way under the following conditions:

- (a) If the street, alley or public way serves or is expected to serve any public purpose;
- (b) If any person or property, not consenting to such vacation or abandonment, is found to suffer special damage;
- (c) If the vacation or abandonment will land lock or make inaccessible any property, where the owners thereof have not consented; or
- (d) If the vacation or abandonment unreasonably impedes the flow of traffic.

(Passed 4-24-84.)

**909.06 DIVISION OF ABANDONED PUBLIC WAY.**

Unless otherwise agreed by the owners of the property abutting thereon, the street, alley or public way shall be divided along the centerline, with each abutting property owner taking such portion thereof to the centerline.

(Passed 4-24-84)

**909.07 QUITCLAIM DEED.**

The ordinance vacating and abandoning the street, alley or public way shall provide that the Mayor execute and deliver to the proper party a quitclaim deed for that portion of the street, alley or public way to go to such property owner.

(Passed 4-24-84.)