Morgantown Planning Commission

MEETING PACKET

Thursday, April 11, 2019
6:30 p.m.
City Council Chambers

Planning Commissioners:
Peter DeMasters, 6th Ward
    President
Carol Pyles, 7th Ward
    Vice-President
Sam Loretta, 1st Ward
Tim Stranko, 2nd Ward
William Blosser, 3rd Ward
Bill Petros, 4th Ward
Michael Shuman, 5th Ward
Gigi Villarreal, Admin.
Ronald Dulaney, City Councilor

Development Services Department
Christopher M. Fletcher, AICP, Director
    John Whitmore, AICP, Planner III
Planning Commission Pre-Meeting Announcement

Good evening and welcome to the regular/special meeting of the City of Morgantown Planning Commission. Please turn off all cell phones or other devices that may disrupt these proceedings. The Planning Commission conducts business in the following order:

(1) There will be a general public comment portion when anyone who wishes to address the Planning Commission may do so, but only on matters that are not on the agenda. There will be a five (5) minute time limit for speakers. All recognized speakers must approach the podium, state their name and address for the record, and speak clearly into the microphone. Speakers are notified that irrelevant comments or comments of a personal nature or personal attacks may result in the speaker forfeiting their opportunity to participate in the general public comment portion.

(2) We review, amend, and approve minutes of the previous meeting.

(3) We consider any Unfinished Business from previous meetings.

(4) We move on to New Business items. First, we introduce the item and the Planning Division representative presents the Staff Report.

(5) Next, we ask the petitioner to make a presentation. Planning Commissioners may ask the petitioner questions at that time.

(6) I will then open a Public Hearing to hear testimony in support of, or in opposition to, the request. Rules regarding public testimony are as follows:

   (a) Anyone wishing to testify during the public hearing may do so once recognized. Each recognized speaker must approach the podium, state their name and address for the record, and speak clearly into the microphone.

   (b) All comments must be addressed to the Commission. Speakers are notified that irrelevant comments or comments of a personal nature or personal attacks may result in the speaker forfeiting their opportunity to participate in the public hearing.

   (c) All speakers will be limited to five (5) minutes. If members of the Commission have any questions of the speaker, that time will not be counted toward the speaker’s five (5) minutes.
(d) If there is a large number of speakers, including many who are part of groups or organizations, I may, to avoid repetitive comments, elect to ask for a representative to speak on behalf of the group or organization.

(e) I may elect to recognize the applicant/agent at the end of the public hearing to provide rebuttal or additional comments, which will be limited to five (5) minutes. If members of the Commission have any questions of the applicant/agent, that time will not be counted toward the applicant’s/agent’s five (5) minutes.

(7) After all testimony is heard, I will declare the Public Hearing closed and no further public comment will be permitted. At that time, no one in the audience may speak again unless a Planning Commissioner asks a question. If someone is asked a question, they must come to the microphone and identify themselves once again before answering.

(8) Next, the Planning Commission will discuss and take action on the application.

(9) Once the vote is final, members of the audience who were present for that particular case may leave, if they wish. In order not to disrupt the meeting, people who choose to leave must go to the bottom of the stairs before carrying on a quiet discussion.

(10) Uncivil, unruly, and/or disruptive behavior at any time during this meeting is prohibited and will result in removal from this public meeting.

Thank you for your consideration and respect for these proceedings and the opinions of all meeting participants.
AGENDA

I. CALL TO ORDER AND ROLL CALL

II. GENERAL PUBLIC COMMENTS – concerning matters not on the agenda

III. MATTERS OF BUSINESS
   A. Approval of the March 14, 2019 meeting minutes.

IV. UNFINISHED BUSINESS:

V. NEW BUSINESS:
   A. MNS19-05 / Ridgway / 1046 Koontz Avenue: Request by William Ridgway for minor subdivision approval of property located at 1046 Koontz Avenue; Tax Map 6, Parcel 10; R-1, Single-Family Residential District
   B. MNS19-06 / Berryman / Vine Street and Grant Avenue: Request by Robert D. Berryman for minor subdivision approval of property located along Vine Street (unimproved) and Grant Avenue (unimproved); District 15, Tax Map 15, Parcel 45.1; District 12, Tax Map 15, Parcels 113 and 114.1; R-1, Single-Family Residential District and R-2, Single- and Two-Family Residential

VI. OTHER BUSINESS
   A. Committee Reports
      • Traffic Commission
      • Other Committees
   B. Staff Comments

VII. FOR THE GOOD OF THE COMMISSION

IX. ADJOURNMENT
MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m. March 14, 2019 Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, William Blosser, Ron Dulaney, Jr., Sam Loretta, Bill Petros, Carol Pyles, Michael Shuman, Tim Stranko, and Gigi Villarreal

COMMISSIONERS ABSENT: None

STAFF PRESENT: Christopher M. Fletcher, AICP

I. CALL TO ORDER/ROLL CALL: DeMasters called the meeting to order at 6:30 p.m. and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

II. GENERAL PUBLIC COMMENTS: None.

III. MATTERS OF BUSINESS:

A. Approval of the February 14, 2019 meeting minutes. Stranko moved to approve as presented; seconded by Shuman. Motion carried unanimously.

IV. UNFINISHED BUSINESS:


Stranko moved to remove RZ19-01 from the table; seconded by Shuman. Motion carried unanimous.

Stranko moved to postpone further consideration of RZ19-01 until the next regular business meeting following completion and acceptance of the recommendations report on Future Study Area No. 5 by the Planning Commission, with the understanding the petitioner may at any time request the Planning Commission to remove the matter from the table and proceed with consideration and recommendation action thereby safeguarding the petitioner’s right to due process; provided, said request to remove the matter from the table prior to completion and acceptance of the Future Study Area No. 5 Recommendations Report must be submitted in writing by the published application deadline for the following Planning Commission regular business meeting. The motion was seconded by Shuman and carried unanimously.
V. NEW BUSINESS:

A. **MNS19-04 / Zeni / 1244 – 1246 Eastern Avenue**: Request by Rosanne Zeni for minor subdivision approval of property located at 1244 – 1246 Eastern Avenue; Tax Map 55, Parcel 72; R-1, Single-Family Residential District

Fletcher presented the Staff Report.

DeMasters recognized Jan Whitehair who concurred with the Staff Report.

Stranko moved to approve MNS19-04 with Staff recommended conditions; seconded by Dulaney. Motion carried unanimously.

VI. OTHER BUSINESS

A. Committee Reports
   - Other Committees – No reports.
   - Staff Comments:
     - Fletcher stated the first community forum for Study Area 5 is planned for some time in April and more information will be forthcoming.

VII. FOR THE GOOD OF THE COMMISSION: None.

VIII. ADJOURNMENT: 6:40 PM

MINUTES APPROVED:

COMMISSION SECRETARY: _____________________________

Christopher M. Fletcher, AICP
**S T A F F  R E P O R T**

**CASE NO:** MNS19-05 / Ridgway / 1046 Koontz Avenue

**REQUEST and LOCATION:**
Request by William Ridgway for minor subdivision approval for property located at 1046 Koontz Avenue

**TAX MAP NUMBER (s) and ZONING DESCRIPTION:**
Tax Map 6, Parcel 10, R-1, Single-Family Residential District

**SURROUNDING ZONING:**
North, East, and South: R-1, Single-Family Residential District  
West: R-2, Single and Two-Family Residential District

**BACKGROUND and ANALYSIS:**
The petitioner seeks to subdivide the subject parcel, commonly known as 1046 Koontz Avenue, into two (2) parcels. Addendum A of this report illustrates the location of the subject site.

Parcel 10 of Tax Map 6 is considered a “through” or “double lot”, fronting on Koontz Avenue with a rear parcel boundary on Douglas Avenue. The proposed subdivision would utilize existing parcel configurations for the parcels to the north and south of the site to create an interior parcel boundary as generally illustrated in the image below.
Parcel 1 would include the existing 1046 Koontz Avenue single-family dwelling and detached accessory garage structure. Parcel 1 would maintain a 79.02 linear foot frontage along Koontz Avenue and would be approximately 11,000 square feet in area. Parcel 2 would have a 78.4 linear foot frontage along Douglas Avenue and would be approximately 10,300 square feet in area. Both parcels would exceed the R-1 District’s minimum lot frontage (70 feet) and area standards (7,200 square feet).

The existing accessory structure’s rear setback would decrease to approximately 5.25 feet and continue to maintain conformity with accessory structure rear setback requirements of five (5) feet provided in Section 1331.08(3)

**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions:

1. That the petitioner submit at least three (3) original final plat documents, including all access/utility easements, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President’s signature; and,

2. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of receiving the executed plat.

Enclosure: Application and accompanying exhibits
## I. APPLICANT

<table>
<thead>
<tr>
<th>Name:</th>
<th>William Clarke Ridgway</th>
<th>Phone: 304-599-4942</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>4009 Morningside Way</td>
<td>Mobile: 304-282-2791</td>
</tr>
<tr>
<td>Street: Morgantown, WV</td>
<td>26505</td>
<td>Email: <a href="mailto:ridgway.clarke@yahoo.com">ridgway.clarke@yahoo.com</a></td>
</tr>
</tbody>
</table>

## II. AGENT / CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Name:</th>
<th>same as above</th>
<th>Phone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>Street</td>
<td>Mobile:</td>
</tr>
<tr>
<td>Email:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mailings – Send all correspondence to (check one):</td>
<td>✓ Applicant</td>
<td>OR</td>
</tr>
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## III. PROPERTY

<table>
<thead>
<tr>
<th>Owner:</th>
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<th>Phone:</th>
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<td>Mailing Address:</td>
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## IV. SITE

<table>
<thead>
<tr>
<th>Street Address (if assigned):</th>
<th>1046 Koontz Ave. Morgantown, WV</th>
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<tr>
<td>Tax Map No(s):</td>
<td>600100000000</td>
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<tr>
<td>Parcel No(s):</td>
<td>10</td>
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<tr>
<td>Zoning:</td>
<td>B-1</td>
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Subdivision Description, including areas (sq. ft.) of proposed parcel(s):

Are there any Variances from the Subdivision Regulations anticipated: [ ] Yes [ ] No

If yes, to what extent is a variance necessary?
V. PLAT

Preliminary Plat submission – A Minor Subdivision Application must also include one (1) preliminary plat illustrating:

(a) Existing and proposed property boundaries, property boundary dimensions, and square footage.
(b) A letter of service availability and approval from the Morgantown Utility Board.

Final Plat submission – Upon approval by the Planning Commission, three (3) sealed Final Plat surveys must be submitted to the Planning Office and meet the following standards:

(a) Drawn to a scale of one inch (1") equals fifty feet (50') or larger;
(b) Date of preparation, north arrow, and scale;
(c) Legal description;
(d) Applicant/owner name and address;
(e) Existing zoning;
(f) Legend;
(g) Vicinity map;
(h) Existing and proposed utility lines and easements;
(i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
(j) Location, shape, exterior dimensions of each existing building on the site(s);
(k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
(l) Location of springs, streams, other water bodies, and areas subject to flooding;
(m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
(n) Approval signature block allowing space for President of Morgantown Planning Commission;
(o) Other items as deemed necessary by Planner Director or City Engineer.

Please note that all approved minor subdivision plats must be filed with the Monongalia County Tax Office within thirty (30) days of approval. Plats not filed within thirty (30) days will be considered invalid by the City of Morgantown and will require a new application.

VIII. ATTEST

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction.

William Clarke Ridgway 3/29/19

Type/Print Name of Applicant/Agent  Signature of Applicant/Agent  Date
STAFF REPORT

CASE NO: MNS19-06 / Berryman / Vine Street and Grant Avenue

REQUEST and LOCATION:
Request by Robert D. Berryman for minor subdivision approval for property located along Vine Street (unimproved) and Grant Avenue (unimproved)

DISTRICTS NUMBERS, TAX MAP NUMBER (s) and ZONING DESCRIPTION:
District 15, Tax Map 15, Parcel 45.1; R-1, Single-Family Residential District, and
District 12, Tax Map 15, Parcels 113 and 114.1; R-1, Single-Family Residential District and R-2, Single- and Two-Family Residential

SURROUNDING ZONING:
North: R-1, Single-Family Residential District
East: R-2, Single- and Two-Family Residential District
R-3, Multi-Family Residential
South: R-1, R-2, R-3
West: R-1

BACKGROUND and ANALYSIS:
The petitioner, acting as a straw agent, seeks to reconfigure the three (3) subject parcels into six (6) parcels. Addendum A of this report illustrates the location of the subject site.

Specifically, owners of six parcels fronting Riverview Drive have acquired portions of the subject three (3) parcels for the purpose of combining their respective portions with their parcels fronting Riverview Drive to protect and preserve existing wooded hillside conditions. Section 1363.02(B)(3) provides the following related guidance.

Addendum B of this report illustrates the proposed configuration and associated adjacent parcels to be combined by covenant.
The following definitions for “Major Subdivision” and “Minor Subdivision” are provided in Section 1329.02 of the City’s Planning and Zoning Code.

**SUBDIVISION, MAJOR** – Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street, other than an internal access drive in a shopping center or office park, or extension of the local governmental facilities, or the creation of any public improvements. Such subdivisions must be reviewed and approved by the Planning Commission.

**SUBDIVISION, MINOR** – Any subdivision containing not more than four (4) lots in which all lots have frontage on an existing street, not involving any new street or the extension of municipal facilities, of the creation of any public improvements, and not in conflict with any provision or portion of the Comprehensive Plan, Official Zoning Map, Subdivision Ordinance, or this Ordinance. Such subdivisions are reviewed by the Planning Director.

It is the opinion of the Planning Division that, although the proposed subdivision provides for the creation of more than four (4) parcels, the correct subdivision classification is “minor” based on the following facts:

- The intent and purpose of the subdivision is to protect and preserve the existing wooded hillside conditions of the subject realty and not to create new buildable parcels.
- No new street(s) or extensions of local government facilities or the creation of any public improvements are proposed or necessary to support the proposed subdivision.
- The petitioner represents that all parties are willing and interested in restricting, by perpetual covenant, their newly created tract to be part and parcel of each respective adjacent tract as presented.
- The perpetual covenant provided in Section 1363.02(B)(3) stipulates that only one (1) principal building and its accessory structures are permitted within the perimeter of each of the proposed and adjacent tract.
- The covenant stipulates that each of the proposed parcels may not be conveyed or transferred separately without prior Planning Commission approval.

**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions:

1. That the six (6) parcels created herein shall be considered part and parcel with their respective adjacent tract by restrictive covenant as provided in Section 1363.02(B)(3) of the City’s Planning and Zoning Code, which are further explained below and illustrated in Addendum B of the Staff Report for Case No. MNS19-06:
   - “Parcel 1” labeled on the plat reviewed and approved herein shall become a part of Parcels 37 and 37.1 of Tax Map 15, District 15.
   - “Parcel 2” labeled on the plat reviewed and approved herein shall become a part of Parcel 39 of Tax Map 15, District 15.
• “Parcel 3” labeled on the plat reviewed and approved herein shall become a part of Parcel 40 of Tax Map 15, District 15.

• “Parcel 4” labeled on the plat reviewed and approved herein shall become a part of Parcels 40.1, 41, 42, and 43.1 of Tax Map 15, District 15.

• “Parcel 5” labeled on the plat reviewed and approved herein shall become a part of Parcels 43 and 44 of Tax Map 15, District 15.

• “Parcel 6” labeled on the plat reviewed and approved herein shall become a part of Parcel 45 of Tax Map 15, District 15.

2. That the petitioner submit at least three (3) original final plat documents, including all access/utility easements, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President’s signature; and,

3. That the final plat is recorded at the Monongalia County Courthouse within thirty (30) days of receiving the executed plat.

Enclosure: Application and accompanying exhibits
The following graphic is a staff enhanced illustration of the restrictive covenant relationships between proposed and adjacent parcels, using a clipped portion of the plat prepared by Potesta & Associates, Inc.

- Identifies parcels (2) fronting Riverview Drive that will not gain additional realty as a part of the proposed subdivision.
- Tie lines identifying covenant relationships between proposed and adjacent parcels.
# Application for Minor Subdivision

A Minor Subdivision of property includes the creation of up to four (4) parcels or the consolidation of existing parcels via survey plat or approved deeded covenants, but does not involve the extension of off-site facilities (streets, etc.) or the dedication of a portion of the site for public use.

(PLEASE TYPE OR PRINT IN BLACK INK)

**Fee:** $75.00

## I. Applicant

<table>
<thead>
<tr>
<th>Name:</th>
<th>Robert D. Berryman, Straw Agent</th>
<th>Phone:</th>
<th>304-296-6250</th>
</tr>
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<tbody>
<tr>
<td>Mailing Address:</td>
<td>2917 University Avenue, Morgantown, WV 26505</td>
<td>Email:</td>
<td><a href="mailto:robertberrymanlaw@gmail.com">robertberrymanlaw@gmail.com</a></td>
</tr>
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</table>

### II. Agent / Contact Information

<table>
<thead>
<tr>
<th>Name:</th>
<th>same as above</th>
<th>Phone:</th>
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### III. Property

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<tr>
<td>Mailing Address:</td>
<td></td>
<td></td>
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</table>

### IV. Site

<table>
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<tr>
<th>Street Address (if assigned):</th>
<th>adjoining 8th, 9th, Vine and Grant</th>
<th>Tax Map No(s):</th>
<th>4th Ward 7th Ward</th>
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<tbody>
<tr>
<td>Zoning:</td>
<td></td>
<td>M 15</td>
<td>M 15</td>
</tr>
<tr>
<td>Subdivision Description, including areas (sq. ft.) of proposed parcel(s):</td>
<td>7.256 ac formerly the Mildred Ann Saab Trust</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Are there any Variances from the Subdivision Regulations anticipated: | Yes | No |

If yes, to what extent is a variance necessary: | | |
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(d) Applicant/owner name and address;
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(f) Legend;
(g) Vicinity map;
(h) Existing and proposed utility lines and easements;
(i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
(j) Location, shape, exterior dimensions of each existing building on the site(s);
(k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
(l) Location of springs, streams, other water bodies; and, areas subject to flooding;
(m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
(n) Approval signature block allowing space for President of Morgantown Planning Commission;
(o) Other items as deemed necessary by Planner Director or City Engineer.

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## VIII. ATTEST

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction.

Type/Print Name of Applicant/Agent  Signature of Applicant/Agent  Date

3-29-19
DESCRIPTION OF SURVEY
FOR
MILDRED ANN SAAB TRUST
0.341 ACRE PARCEL
(Parcel 1)

A tract of land, situate in Fourth Ward and Seventh Ward Districts, in the City of Morgantown, Monongalia County, more particularly described as follows:

Beginning at a 5/8 inch rebar with plastic cap found at the common corner to Gregory & Carol Hand, recorded in deed Book 1503 at page 615, thence running through and across the property of Mildred Ann Saab Trust, recorded in Deed Book 1445 at page 554

S09°48'42"W, 235.41 feet to a rebar with plastic cap set in the common division line of C & E Development, recorded in Deed Book 1062 at page 463, thence with the line of said C & E Development

N76°49'03"W, 95.67 feet to a 5/8 inch rebar with plastic cap found, thence

N25°23'00"E, 20.51 feet to a concrete monument found at the common corner between West Virginia Board of Governors, recorded in Deed Book 1501 at page 722, and said C & E Development Inc., thence running with said West Virginia Board of Governors

N25°06'49"E, 209.77 feet to a 1/2 inch rebar found in the southern division line of Joshua P. & Kendra J. Fershee, recorded in Deed Book 1462 at page 522, thence with said Fershee

N87°17'15"E, 35.51 feet to the point of beginning containing 0.341 acres more or less as shown on a plat of survey by Potesta and Associates, Inc entitled "PLAT OF SURVEY SHOWING THE SUBDIVISION OF PARCEL A, PARCEL B, & PARCEL C OF THE PROPERTYRecorded in Deed Book 1445 PAGE 554, FOURTH WARD & SEVENTH WARD Districts, CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, SCALE: 1"=50', DATE: FEBRUARY 28, 2019", said plat is hereby made mention of and made a part of this description.
DESCRIPTION OF SURVEY
FOR
MILDRED ANN SAAB TRUST
0.471 ACRE PARCEL
(Parcel 2)

A tract of land, situate in Fourth Ward and Seventh Ward Districts, in the City of Morgantown, Monongalia County, more particularly described as follows:

Beginning at a 5/8 inch rebar with plastic cap found at the common corner to Gregory & Carol Hand, recorded in Deed Book 1503 at page 615, thence with said Hand

N89°15′47″E, 84.56 feet to a 60D spike nail found at the common corner to Mathew C. Valenti & Kristin G. Steinhardt, recorded in Deed Book 1181 at page 660, thence running through and across the property of Mildred Ann Saab Trust, recorded in Deed Book 1445 at page 554

S09°47′03″W, 255.80 feet to a rebar with plastic cap set in the common division line of C & E Development, recorded in Deed Book 1062 at page 463, thence with the line of said C & E Development

N76°49′03″W, 83.40 feet to a 5/8 inch rebar with plastic cap set, thence leaving said C & E Development and running through and across the property of said Mildred Ann Saab Trust

N09°48′42″E, 235.41 feet to the point of beginning containing 0.471 acres more or less as shown on a plat of survey by Potesta and Associates, Inc entitled "PLAT OF SURVEY SHOWING THE SUBDIVISION OF PARCELS A, PARCEL B, & PARCEL C OF THE PROPERTYRecorded in Deed Book 1445 Page 554, FOURTH WARD & SEVENTH WARD DISTRICTS, CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, SCALE: 1′=50′, DATE: FEBRUARY 28, 2019", said plat is hereby made mention of and made a part of this description.
DESCRIPTION OF SURVEY
FOR
MILDRED ANN SAAB TRUST
0.701 ACRE PARCEL
(Parcel 3)

A tract of land, situate in Fourth Ward and Seventh Ward Districts, in the City of Morgantown, Monongalia County, more particularly described as follows:

Beginning at a 5/8 inch rebar with plastic cap found at the common corner to Ali & Annahita A. Rezai, recorded in Deed Book 1601 at page 658, thence running through and across the property of Mildred Ann Saab Trust, recorded in Deed Book 1445 at page 554.

S05°05’38”W, 216.40 feet to a 5/8 inch rebar with plastic cap found on the eastern right of way line of Ninth Street (unimproved), thence running with the right of way lines of said Ninth Street.

N85°55’31”W, 40.52 feet to a 5/8 inch rebar with plastic cap found, thence

S13°14’04”W, 62.02 feet to a 5/8 inch rebar with plastic cap found in the common division line of C & E Development, recorded in Deed Book 1062 at page 463, thence with the line of said C & E Development.

N76°49’03”W, 85.90 feet to a 5/8 inch rebar with plastic cap set, thence leaving said C & E Development running through and across the property of said Mildred Ann Saab Trust.

N09°47’03”E, 255.80 feet to a 60D spike found at the common corner to Mathew C. Valenti & Kristin G. Steinhardt, recorded in Deed Book 1181 at page 660, thence with said Valenti & Steinhardt.

N89°18’34”E, 114.00 feet to the point of beginning containing 0.701 acres more or less as shown on a plat of survey by Potesta and Associates, Inc entitled “PLAT OF SURVEY SHOWING THE SUBDIVISION OF PARCEL A, PARCEL B, & PARCEL C OF THE PROPERTYRecorded in Deed Book 1445 PAGE 554, FOURTH WARD & SEVENTH WARD Districts, CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, SCALE: 1”=50’, DATE: FEBRUARY 28, 2019”, said plat is hereby made mention of and made a part of this description.
DESCRIPTION OF SURVEY
FOR
MILDRED ANN SAAB TRUST
0.805 ACRE PARCEL
(Parcel 4)

A tract of land, situate in Fourth Ward and Seventh Ward Districts, in the City of Morgantown, Monongalia County, more particularly described as follows:

Beginning at a 5/8 inch rebar with plastic cap found at the common corner to Ali & Annahita A. Rezai, recorded in Deed Book 1601 at page 658, thence running with said Rezai

N74°36'34"E, 117.77 feet to a 5/8 inch rebar with plastic cap found at the common corner to Dana C. Leech, Douglas J. Leech, & Douglas J. Leech Jr., recorded in Deed Book 1442 at page 704, thence running through and across the property of Mildred Ann Saab Trust, recorded in Deed Book 1445 at page 554

S03°58'20"E, passing a 5/8 inch rebar with plastic cap set at 40.09 feet, a 5/8 inch rebar with plastic cap set at 91.85 feet, a 5/8 inch rebar with plastic cap set at 189.56 feet, in all 258.35 feet to a 5/8 inch rebar with plastic cap set in the common division line of 108 LLC, recorded in Deed Book 1490 at page 425, thence with the lines of said 108 LLC

N86°04'28"W, 48.38 feet to a 1 inch iron pipe, thence

S15°00'20"W, 45.32 feet to a 5/8 inch rebar with plastic cap found on the northern right of way line of Grant Avenue (unimproved), thence leaving said 108 LLC and running with said Grant Avenue

N77°11'01"W, 100.00 feet to a 5/8 inch rebar with plastic cap set at the intersection of said northern right of way line of Grant Avenue and the eastern right of way line of Ninth Street (unimproved), thence running with the eastern right of way line of said Ninth Street

N13°12'14"E, 30.00 feet to a 5/8 inch rebar with plastic cap found, thence running through and across the property of said Mildred Ann Saab Trust

N05°05'38"E, 216.40 feet to the point of beginning containing 0.805 acres more or less as shown on a plat of survey by Potesta and Associates, Inc entitled “PLAT OF SURVEY SHOWING THE SUBDIVISION OF PARCEL A, PARCEL B, & PARCEL C OF THE PROPERTY RECORDED IN DEED BOOK 1445 PAGE 554, FOURTH WARD & SEVENTH WARD DISTRICTS, CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, SCALE: 1’=50’, DATE: FEBRUARY 28, 2019”, said plat is hereby made mention of and made a part of this description.
DESCRIPTION OF SURVEY
FOR
MILDRED ANN SAAB TRUST
1.843 ACRE PARCEL
(Parcel 5)

A tract of land, situate in Seventh Ward District, in the City of Morgantown, Monongalia County, more particularly described as follows:

Beginning at a 5/8 inch rebar with plastic cap found at the common corner to William & Karen Petros, recorded in Deed Book 1218 at page 239, thence running through and across the property of Mildred Ann Saab Trust, recorded in Deed Book 1445 at page 554

S17°06′14″E, passing a 5/8 inch rebar with plastic cap set at 49.05 feet, a 5/8 inch rebar with plastic cap set at 120.50 feet, a 5/8 inch rebar with plastic cap set at 177.50 feet, a 5/8 inch rebar with plastic cap set at 260.47 feet, a 5/8 inch rebar with plastic cap set at 325.95 feet, in all 354.98 feet to a 5/8 inch rebar with plastic cap set in the common division line of 108 LLC, recorded in Deed Book 1490 at page 425, thence with the lines of said 108 LLC

N86°04′28″W, passing a 5/8 inch rebar with plastic cap set at 117.42 feet, a 5/8 inch rebar with plastic cap set at 199.44 feet, a 5/8 inch rebar with plastic cap set at 274.37 feet, in all 309.05 feet to a 5/8 inch rebar with plastic cap set, thence leaving said 108 LLC and running through and across the property of Mildred Ann Saab Trust, recorded in Deed Book 1445 at page 554

N03°58′20″W, passing a 5/8 inch rebar with plastic cap set at 68.79 feet, a 5/8 inch rebar with plastic cap set at 166.50 feet, a 5/8 inch rebar with plastic cap set at 218.26 feet, in all 258.35 feet to a 5/8 inch rebar with plastic cap found at the common corner to Dana C. Leech, Douglas J. Leech, & Douglas J. Leech Jr., recorded in Deed Book 1442 at page 704, thence with said Leech

N74°46′08″E, passing a 5/8 inch rebar with plastic cap set at 41.10 feet, a 5/8 inch rebar with plastic cap set at 105.95 feet, a 5/8 inch rebar with plastic cap set at 165.63 feet, in all 229.89 feet to the point of beginning containing 1.843 acres more or less as shown on a plat of survey by Potesta and Associates, Inc entitled “PLAT OF SURVEY SHOWING THE SUBDIVISION OF PARCEL A, PARCEL B, & PARCEL C OF THE PROPERTY RECORDED IN DEED BOOK 1445 PAGE 554, FOURTH WARD & SEVENTH WARD DISTRICTS, CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, SCALE: 1″=50’, DATE: FEBRUARY 28, 2019”, said plat is hereby made mention of and made a part of this description.
DESCRIPTION OF SURVEY
FOR
MILDRED ANN SAAB TRUST
1.701 ACRE PARCEL
(Parcel 6)

A tract of land, situate in Seventh Ward District, in the City of Morgantown, Monongalia County, more particularly described as follows:

Beginning at a 5/8 inch rebar with plastic cap found at the common corner to William & Karen Petros, recorded in Deed Book 1218 at page 239, thence with said Petros

N74°22'29"E, 103.44 feet to a 1 inch pipe found at the common corner to the Mildred Ann Saab Trust, recorded in Deed Book 1445 at page 554, thence with the lines of said Trust

S12°55'35"E, 14.92 feet to a 5/8 inch rebar with plastic cap found, thence

S63°44'40"E, 116.62 feet to a 5/8 inch rebar with plastic cap found, thence

N01°31'00"E, 33.46 feet to a 5/8 inch rebar with plastic cap found, thence

S78°07'48"E, 67.84 feet to a 1/2 iron pin found in concrete, thence running through and across the property of said Mildred Ann Saab Trust

S34°03'05"E, 161.97 feet to a 5/8 inch rebar with plastic cap set in the common division line of 108 LLC, recorded in Deed Book 1490 at page 425, thence with said 108 LLC

S81°13'25"W, 107.63 feet to a 1 inch pipe found on the western right of way line of Vine Street (unimproved), thence with said Vine Street and 108 LLC

S19°37'47"W, 187.06 feet to a 1 inch pipe found, thence leaving said Vine Street and continuing with said 108 LLC

N86°04'28"W, 92.11 feet to a 5/8 inch rebar with plastic cap set, thence leaving said 108 LLC and thence running through and across the property of said Mildred Ann Saab Trust

N17°06'14"W, passing a 5/8 inch rebar with plastic cap set at 29.03 feet, a 5/8 inch rebar with plastic cap set at 94.51 feet, a 5/8 inch rebar with plastic cap set at 177.48 feet, a 5/8 inch rebar with plastic cap set at 234.48 feet, a 5/8 inch rebar with plastic cap set at 305.93 feet, in all 354.98 feet to the point of beginning containing 1.701 acres more or less as shown on a plat of survey by Potesta and Associates, Inc entitled “PLAT OF SURVEY SHOWING THE SUBDIVISION OF PARCEL A, PARCEL B, & PARCEL C OF THE PROPERTY RECORDED IN DEED BOOK 1445 PAGE 554, FOURTH WARD & SEVENTH WARD DISTRICTS, CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, SCALE: 1”=50”, DATE: FEBRUARY 28, 2019”, said plat is hereby made mention of and made a part of this description.
DESCRIPTION OF SURVEY
FOR
MILDRED ANN SAAB TRUST
1.394 ACRE PARCEL
(Parcel 7)

A tract of land, situate in Seventh Ward District, in the City of Morgantown, Monongalia County, more particularly described as follows:

Beginning at a 1/2 inch iron pin in concrete found at the common corner to Joy F. Saab, recorded in Deed Book 1305 at page 260 thence with said Saab

S48°28'04"E, 262.82 feet to a 5/8 inch rebar found on the northwestern right of way line of Eight Street, thence running with said right of way line

S23°05'52"W, 99.51 feet to a 5/8 inch rebar with plastic cap found at the common corner to 108 LLC, recorded in Deed Book 1478 at page 242 and Deed Book 1490 at page 425, thence leaving said Eighth Street right of way line and running with the lines of said 108 LLC

S81°13'25"W, 225.23 feet to a 5/8 inch rebar with plastic cap set, thence leaving said 108 LLC and running through and across the property of Mildred Ann Saab Trust, recorded in Deed Book 1445 at page 554

N34°03'05"W, 161.97 feet to a 1/2 inch iron pin found in concrete, thence

N62°04'28"E, 51.09 feet to 1/2 inch iron pin found in concrete, thence

N37°54'58"E, 127.68 feet to a 3/4 inch pipe found at the common corner to Garrett & Christi Stover, recorded in Deed Book 1539 at page 556, thence with said Stover

N37°43'54"E, 52.23 feet to the point of beginning containing 1.394 acres more or less as shown on a plat of survey by Potesta and Associates, Inc entitled “PLAT OF SURVEY SHOWING THE SUBDIVISION OF PARCEL A, PARCEL B, & PARCEL C OF THE PROPERTY RECORDED IN DEED BOOK 1445 PAGE 554, FOURTH WARD & SEVENTH WARD DISTRICTS, CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, SCALE: 1"=50', DATE: FEBRUARY 28, 2019”, said plat is hereby made mention of and made a part of this description.
EXHIBIT A

A tract of land, situate in Fourth Ward and Seventh Ward Districts, in the City of Morgantown, Monongalia County, more particularly described as follows:

Beginning at a concrete monument found at the common corner between West Virginia Board of Governors, recorded in Deed Book 1501 at page 722, and C & E Development Inc., recorded in Deed Book 1062 at page 463, thence running with said West Virginia Board of Governors

N25°06'49"E, 209.77 feet to a 1/2 inch rebar found in the southern division line of Joshua P. & Kendra J. Fershee, recorded in Deed Book 1462 at page 522, thence with said Fershee

N87°17’15”E, 35.51 feet to a 5/8 inch rebar with plastic cap found at the common corner to Gregory & Carol Hand, recorded in deed Book 1503 at page 615, thence with said Hand

N89°15’47”E, 84.56 feet to a 60d spike nail found at the common corner to Mathew C. Valenti & Kristin G. Steinhardt, recorded in Deed Book 1181 at page 660, thence with said Valenti & Steinhardt

N89°18’34”E, 114.00 feet to a 5/8 inch rebar with plastic cap found at the common corner to Ali & Annahita A. Rezai, recorded in Deed Book 1601 at page 658, thence with said Rezai

N74°36’34”E, 117.77 feet to a 5/8 inch rebar with plastic cap found at the common corner to Dana C. Leech, Douglas J. Leech, & Douglas J. Leech Jr., recorded in Deed Book 1442 at page 704

N74°46’08”E, 229.89 feet to a 5/8 inch rebar with plastic cap found at the common corner to William & Karen Petros, recorded in deed Book 1218 at page 239, thence with said Petros

N74°22’29”E, 103.44 feet to a 1 inch iron pipe found at the common corner to the Mildred Ann Saab Trust, recorded in Deed Book 1445 at page 554, thence with the lines of said Trust

S12°55’35”E, 14.92 feet to a 5/8 inch rebar with plastic cap found, thence

S63°44’40”E, 116.62 feet to a 5/8 inch rebar with plastic cap found, thence

N01°31’00”E, 33.46 feet to a 5/8 inch rebar with plastic cap found, thence

S78°07’48”E, 67.84 feet to a 1/2 inch iron pin found in concrete, thence
N62°04’28”E, 51.09 feet to 1/2 inch iron pin found in concrete, thence

N37°54’58”E, 127.68 feet to a 3/4 inch pipe found at the common corner to Garrett & Christi Stover, recorded in Deed Book 1539 at page 556, thence with said Stover

N37°43’54”E, 52.23 feet to a 1/2 inch iron pin found in concrete at the common corner to Joy F. Saab, recorded in Deed Book 1305 at page 260 thence with said Saab

S48°28’04”E, 262.82 feet to a 5/8 inch rebar found on the northwestern right of way line of Eight Street, thence running with said right of way line

S23°05’52”W, 99.51 feet to a 5/8 inch rebar with plastic cap found at the common corner to 108 LLC, recorded in Deed Book 1478 at page 242 and Deed Book 1490 at page 425, thence leaving said Eighth Street right of way line and running with the lines of said 108 LLC

S81°13’25”W, 332.86 feet to a 1 inch pipe found on the western right of way line of Vine Street (unimproved), thence with said Vine Street and 108 LLC

S19°37’47”W, 187.06 feet to a 1 inch pipe found, thence leaving said Vine Street and continuing with said 108 LLC

N86°04’28”W, 449.54 feet to a 1 inch pipe found, thence

S15°00’20”W, 45.32 feet to a 5/8 inch rebar with plastic cap found on the northern right of way line of Grant Avenue (unimproved), thence leaving said 108 LLC and running with said Grant Avenue

N77°11’01”W, 100.00 feet to a 5/8 inch rebar with plastic cap set at the intersection of said northern right of way line of Grant Avenue and the eastern right of way line of Ninth Street (unimproved), thence running with the right of way lines of said Ninth Street

N13°12’14”E, 30.00 feet to a 5/8 inch rebar with plastic cap found, thence

N85°55’31”W, 40.52 feet to a 5/8 inch rebar with plastic cap found, thence

S13°14’04”W, 62.02 feet to a 5/8 inch rebar with plastic cap found in the common division line of said C & E Development, thence with the lines of said C & E Development

N76°49’03”W, 264.97 feet to a 5/8 inch rebar with plastic cap found, thence

N25°23’00”E, 20.51 feet to the point of beginning containing 7.256 acres more or less as shown on a plat of survey by Potesta and Associates, Inc entitled “PLAT OF
SURVEY SHOWING PARCEL A, PARCEL B, & PARCEL C OF THE PROPERTY RECORDED IN DEED BOOK 1445 PAGE 554, FOURTH WARD & SEVENTH WARD DISTRICTS, CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, SCALE: 1"=50', DATE: FEBRUARY 28, 2019”, said plat is hereby made mention of and made a part of this description.

April 2, 2019

Robert Berryman
2917 University Avenue
Morgantown, WV 26505

Re: Water and Sanitary Sewer Service Availability
4th Ward ~ Parcels 1-7
Deed Book 1445, Page 554

Dear Mr. Berryman,

This will confirm that water and sanitary sewer service is available to the above referenced property, as shown on Exhibit “A”. Parcels 1-6 will require an estimate for a main line extension per applicable WV Public Service Commission (PSC) rules and regulations. Water and sewer is available at the property line for Parcel 7. Storm sewer service is available at cost and will also require an estimate for a main line extension.

Note that we are unable to certify whether the depth/elevation and/or size of the existing MUB facilities are adequate to serve the proposed structure. We will evaluate such adequacy upon receipt of additional details describing the design of the proposed structure along with a property plat showing the proposed structure to be served.

In addition to the above costs and in accordance with our PSC-approved rate schedule, tap fees will be charged for each domestic service connection requested. The tap fee for water service is $700.00 (3/4-inch or less); $1,000.00 (1-inch); $1,500.00 (1 1/2-inch); $2,000.00 (2-inch) per meter setting. All water services larger than 2-inch are installed on an as-cost basis. The tap fee for sewer service is $700.00 per structure. The PSC requires that we install the utility service line to the property line of the premises being served for the cost of these tap fees and further requires that a single and separate customer service line be provided for each structure being served.

In order to help us serve you better, please bring this letter with you when applying for new service, along with any additional property information available.

If you have any questions regarding this matter, please call me at (304) 292-8443. Thank you in advance for your kind cooperation.

Sincerely,
MORGANTOWN UTILITY BOARD

Brandon Stickley
Draftsman

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