

NITRO CITY COUNCIL TAKES UP DRIVEWAY OWNERSHIP, ACCESS

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Attorney David Karr asked **Nitro** City Council members for their cooperation to avoid a pending lawsuit filed by Benjamin and Molly Summers of Easter Drive.

The **Nitro** couple is not seeking any money, only a declaration of ownership of the 23-foot driveway used for access to their home as well as the home of neighbor Kenneth Reed.

Karr said the driveway has fallen into disrepair because the entrance off Easter Drive is used as a turn-around spot.

"If we own it, then we want to take care of it. But if the city wants to claim it, they should repair it," Molly Summers said after Tuesday night's council.

According to Karr, there is no evidence in tax maps or any other document that shows the driveway could be owned by the city or anyone else, although the language in the deed is ambiguous.

In 1953, a couple named Mr. and Mrs. Kilgore sold both the land and the driveway to Lloyd and Eva Summers, Karr said. When the Summers family paid to have that driveway paved and posted private property signs at the entrance on Easter Drive, police argued that the road was a right-of-way belonging to the city.

Now, the current residents want the issue cleared up.

Councilman Joe Savilla said that the issue would be examined by the city street committee and brought up again at the next meeting on May 18.