

## **NITRO STILL SEARCHING FOR OWNER OF ROAD RESIDENTS WANT STRETCH CARED FOR, BUT DON'T WANT TO PAY IF IT'S NOT THEIRS**

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**Nitro** City Council revisited the ownership of a 23-foot road at a meeting Tuesday, with what looks like no resolution in sight.

Residents along the road, Benjamin and Molly Summers, want to take care of the road and have it paved, but don't want to incur the cost if they can't claim it as their property.

The couple inherited the property and right-of-way from Ben Summers' parents. Kenneth Reed, who also lives along the road, bought property adjacent to the road three years ago.

City Recorder Rita Cox received a call from Janet Zickafoose Ellis, whose mother lives at the corner of the road and Easter Drive.

According to a fax sent to Cox, Ellis said in researching the issue for her elderly mother, the road could be owned by the state, in which case the state would evaluate the situation and decide to take action to formally abandon the street.

Ellis said according to her research, it's rare for the state to take part in a formal abandonment of a street. Plus, her mother said she doesn't want the street to be declared abandoned.

David Karr, attorney for the Summers family, suggested the state no longer had a claim to ownership and if the city has no interest in the street, then Nitro's city attorney should prepare a quick claim deed for the Summers family.

City attorney Richie Robb told council the Summers family is asking council members to make that call. "The point of a quick claim deed is you give it away whether it's yours or not," Robb said.

Mayor Rusty Casto wanted first to determine who owned the road - **Nitro** or the state. He advised Robb to research the question and report back to council. "We have to determine who the street belongs to first before we take any action," Casto said.

In other business, Cox reported the city will again receive a \$200,000 Environmental Protection Agency Hazardous Brownfields Assessment Grant and would be advertising for bids for a licensed remediation specialist.

Also Tuesday, Councilman Bill Javins, chairman of the street committee, reported 17 locations that needed paving in the city.

"We will prioritize them, then sit down with our treasurer to determine the cost, and bring this back to council possibly by the next meeting," he said.

City council also voted to deny a request by West Virginia Spring and Radiator to allow their employees' cars to park in a city parking lot and pay the city \$300 a month for two years.

Councilman Craig Matthews suggested sending letters to the company, along with NAPA, which also uses a city lot to park its vehicles, to stop parking in those lots or they will be towed.

Council members also discussed increasing the amount required as part of the city's bidding process. Treasurer Young suggested taking a look at the original ordinance passed in 1982 and revise the figures. The ordinance committee chair, John Young, agreed to take up the issue and report back to council.

Councilman Matthews requested money for work on the city's pool. His request for \$4,367.10 was approved by council. The funds will be used to purchase eight umbrellas, eight picnic tables, a cleaner and one commercial refrigerator at a total cost of \$2,654.

There also was a request for a microwave. But at the cost of almost \$300, Matthews said they could find one for a lower price elsewhere.