

# Abandonment

## City of Huntington, WV

The following is the step-by-step procedure to be observed for all abandonment proceedings:

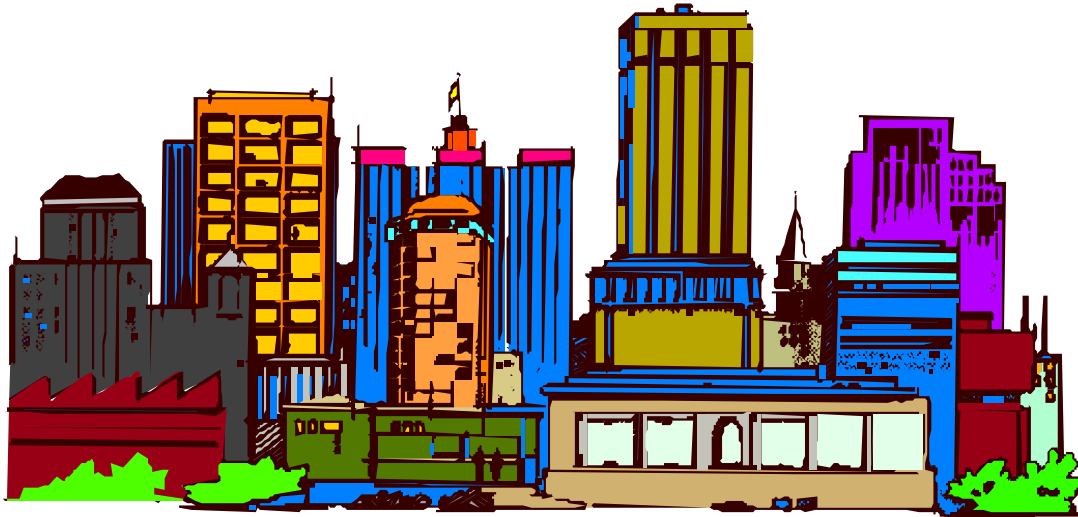
1. All abandonment requests instituted by a property owner in the City should originate in the Department of Development and Planning. To begin the process, a petition for abandonment must be filed. The petition should contain a request for abandonment and a legal description of the property to be abandoned. The petition should be accompanied by a certificate from an attorney that the petition is signed on behalf of all abutting property owners and property owners whose interests would be affected by the abandonment. The petitioner's attorney should also prepare an ordinance and quitclaim deed conveying interests to the abutting property owners.
2. The Planning Director shall determine whether the abandonment is in conformance with the Comprehensive Plan and meets all planning objectives.

3. The request is then forwarded to the Public Works Director for determination as to whether the City actually owns the property.
4. The application will then be forwarded to the Mayor for a policy determination as to whether the abandonment will best serve the interests of the City. The petition, ordinance, and quitclaim deeds shall be forwarded to the City Attorney who will check the sufficiency of these documents. He or she will also ensure that all abutting property owners and property owners whose interests would be affected have signed the petition.
5. If the abandonment is approved by the Mayor, the application will be returned to the Planning Director. The petitioner or his or her designee shall solicit the opinions of the Police and Fire Chiefs as to whether the abandonment would affect their operations. He or she should also contact all applicable utilities to determine whether the abandonment would interfere with them.
6. After the review by the Mayor, Planning Director, and Director of Public Works, an appraisal of the property shall be conducted by an appraiser approved by the City. The cost of the appraisal shall be borne by the petitioner. A certified check, cashiers check or money

- order, covering the appraised cost of the property, shall be forwarded to the City Attorney, who will hold the check pending resolution of the abandonment.
7. The Planning Director shall advertise the abandonment for the next available Planning Commission meeting. The Planning staff shall mail or hand deliver letters and a map of the proposed abandonment to each abutting property owner. The Planning Commission shall conduct a public hearing and forward a written recommendation to City Council.
  8. The Planning Director then forwards the application and supporting documentation to the Mayor who would include the ordinance on his or her message to the Council Chairman for a subsequent regularly scheduled meeting. Once the ordinance process is complete, the applicant will be notified. The City Clerk shall notify the City Attorney of the resolution of the application. If the abandonment is denied the deposit will be returned by the City Attorney. If the abandonment is approved, the Finance Director will apply the amount received as a deposit to the appropriate revenue line. Once approved, a certified copy will be provided for recording. The City will execute a Quitclaim deed (prepared by the applicant) and deliver it for recording.

This policy shall be distributed to all departments involved in the abandonment process and to any person requesting information concerning the abandonment process. For more information about the abandonment process or to schedule a meeting with the planning staff, call 696-4438.

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## A Citizen's Guide

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February 2006