

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

***IN THE MATTER OF
PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION
PURSUANT TO WV CODE 7-12A, et. seq.***

**Residents of Jefferson County Owning Real Property
In Keyes Ferry Acres Subdivision,**

Petitioners.

**PETITION FOR FORMATION OF KEYES FERRY ACRES MAINTENANCE ASSOCIATION
PURSUANT TO WV CODE 7-12A, et. seq.**

Come now the undersigned, Oak Meadow, L.L.C., a West Virginia limited liability company, and a landowner of Jefferson County, by and through its counsel, Bowles Rice, LLP, to present this Petition by Oak Meadow, L.L.C., and the additional and residents of Jefferson County whose signatures are attached hereto, to request approval of the County Commission of Jefferson County, West Virginia, of the formation of a statutory maintenance association pursuant to WV Code 7-12A, et. seq., and in support of this Petition, the undersigned hereby state as follows:

- 1) Petitioners are the owners identified on **Exhibit F** of more than sixty (60%) percent of the lots in Keyes Ferry Acres subdivision which is situate east of the Shenandoah River in the Harpers Ferry Magisterial District of Jefferson County, West Virginia, as depicted on **Exhibit A** (“Lots”).
- 2) The Petitioners’ Lots front on or are adjacent to, and are accessed by, all the following Keyes Ferry Subdivision streets which are depicted on **Exhibit A** (“Roads”): Barbara Lane, Beverly Place, Brook Road, Burkett Road, Cedar Hill Drive, Chestnut Drive, Collision Road, Daisy Lane, Dogwood Road, Fox Drive, Greenwood Place, Greenwood Road, Hill Top, Honeysuckle Drive, Jeanie G Road, Kelly Drive, Keys Ferry Road, Lake Drive, Lakeview Drive, Maple Drive, Oak Drive, Oak Place, Renie Drive, Ridge Drive, Secret Place, Shenandoah Drive, Short Drive, Wagon Trail, Walnut Circle, Walnut Hill, and White Oak Drive; and
- 3) The Lots and Roads are part of the Keyes Ferry Acres Subdivision (“Development”) developed Howard W. Speaks, Sr. between 1964 and 1974, as more particularly set forth on the maps or plats of said Subdivision identified on and attached as **Exhibit B**; and
- 4) The Roads are platted parcels of land between Lots in the Development, and all owners of the Lots share a common law non-exclusive easement for use of the roads and those platted parcels (“Road Tracts”)
- 5) The Lots and Road Tracts are not situate within the limits of any municipality; and
- 6) The Roads and Road Tracts are not part of the State Road System, as defined in WV Code 7-12A (10); and

- 7) The Lots, Roads and Road Tracts (hereinafter “Maintenance Association Area”) are not governed by any maintenance agreement, covenants or restrictions regarding or providing for the maintenance and upkeep of the Roads or Road Tracts by any party, person or entity; and
- 8) The Roads are “orphan roads” as defined in WV Code 7-12-1; and
- 9) All of the Lots are either used for residential purposes or unimproved; and
- 10) Petitioners desire to form a Maintenance Association comprised of the owners of all Lots, which is empowered to maintain, repair, improve, and insure the Roads and Road Tracts situate within the Maintenance Association Area, set forth on **Exhibit A**;
- 11) Petitioners desire formation of the Maintenance Association for the purposes of protecting the health, safety and welfare of persons and the general public located within the Maintenance Association Area by establishing and maintaining non-Lot improvements within the Maintenance Association Area including constructing and maintaining shared streets, drainage facilities, sidewalks, water and sewer systems, signs, street lights and other improvements necessary for the protection of health, safety and welfare of the general public; and
- 12) Petitioners have prepared recordable Articles of Incorporation and Bylaws for the Maintenance Association and a Declaration governing the Maintenance Association Area, which are attached as **Exhibits C, D, and E** (“Recordable Documents”), and include, among other matters, provisions required by WV Code 7-12A-4 pertaining to the conduct of Maintenance Association’s business, the land it is to maintain, its fee structure, its enforcement rights, and its voting requirements; and
- 13) The Recordable Documents also grant to the proposed Maintenance Association the power and authority to assess fees for essential services, and institute suits for the collection of such fees, attorney fees and court costs, pursuant to WV Code 7-12A-5, subject to the provisions of WV Code 7-12A-6; and;
- 14) Petitioners propose that the Maintenance Association be formed as a non-profit, non-stock domestic corporation as set forth in the proposed Articles of Incorporation of Bylaws of said non-profit corporation attached as **Exhibits D and E**; and
- 15) Petitioners propose that the Maintenance Association, the Lots and the Road Tracts be governed by the recordable Declaration of Keyes Ferry Acres Maintenance Association, Inc., a West Virginia non-profit corporation, and a Statutory Maintenance Association formed pursuant to WV Code Chapter 7, Article 12A, which is attached hereto as **Exhibit C**; and
- 16) Petitioners further desire that the Maintenance Association own the parks and recreation areas of the Subdivision which are depicted on the Keyes Ferry Acres plats because all Lots share a common law easement by private dedication to use the parks and recreation areas; and
- 17) The undersigned verify and certify in accordance with WV Code 7-12-3, that:
 - (a) this Petition is filed in good faith;
 - (b) this Petition bears genuine signatures;

- (c) the Recordable Documents address the statutory Maintenance Association purpose; and
- (d) that creation of the proposed Maintenance Association will result in special benefits to all owners of Lots, including the Lots currently occupied for residential purposes, abutting on the Roads and Road Tracts within the Maintenance Association Area; and

WHEREFORE, the undersigned Petitioners pray that the County Commission of Jefferson County, West Virginia, within ten (10) days subsequent to the filing of this Petition, enter the Order attached as **Exhibit G**:

- (a) fixing a time and place for hearing of protests not less than ten (10) days, nor more than thirty (30) days, subsequent to the filing of this Petition;
- (b) requiring the Petitioners to post notice of such hearing in at least two (2) conspicuous places on each Road in the proposed Maintenance Association Area; and
- (c) requiring the Petitioners to give notice of the hearing by publication in the Dominion Post of a Class I legal advertisement in compliance with the provisions of WV Code 59-3.

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Verification and Attestation:

I, Lee Snyder, the _____ of Oak Meadow L.L.C. , a West Virginia limited liability company that owns record title to 369.5 of 756 total Lots in Keyes Ferry Acres, hereby make this petition in behalf of Oak Meadow L.L.C., and certify that the attached Lot Owner signature pages were either presented, e-mailed or mailed to all record Lot Owners and verify that the attached signature pages were returned to Oak Meadow L.L.C. bearing the signatures of the Owners of 455 of the 756 total Lots in Keyes Ferry Acres, constituting sixty-percent (60%) or greater of the 756 total Lots.

Oak Meadow L.L.C.
a West Virginia limited liability company,
By _____
Its: _____

STATE OF WEST VIRGINIA,

COUNTY OF JEFFERSON, to-wit:

I, _____, do hereby verify that the foregoing Verification and Attestation was subscribed before me by _____ the _____ of Oak Meadow L.L.C., a West Virginia limited liability company this _____ day of _____, 2018.

My Commission expires: _____.

Notary Public