

Item # H-20  
July 2012 PC *Hand*

D. FRANK HILL, III  
ATTORNEY AT LAW  
POST OFFICE BOX A  
SHEPHERDSTOWN, WEST VIRGINIA 25443

D. FRANK HILL, III (WV & MD BARI)

138 E. GERMAN STREET  
THE PHARMACY BUILDING  
(304) 876-9333

January 26, 2012

(HAND DELIVERY)

Corporation of Shepherdstown  
P.O. Box 248  
108 N. King Street  
Shepherdstown, WV 25443

Attn: Amy L. Boyd, Town Clerk

Re: George Kalathas Petition For Annexation

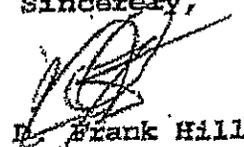
Dear Ms. Boyd:

On behalf of George Kalathas, I have attached a Petition seeking annexation of a consolidated parcel containing 8.276 acres adjacent to the eastern boundary of Shepherdstown (sewer plant and May) bordering the Potomac River.

It is requested that this Petition be placed on the agenda for the Council's February meeting and that it proceed in accordance with the Town's practices.

Please contact me should you have any questions, and thank you for your assistance.

Sincerely,



D. Frank Hill, III

Enclosure as stated

cc: George Kalathas (w/copy of Petition For Annexation)

RECEIVED  
JAN 26 2012  
alb.  
SHEPHERDSTOWN

## PETITION FOR ANNEXATION

TO: The Honorable Arthur J. Auxer, III, Mayor  
Town Council Members

FROM: George Kalathas

DATE: January 25, 2012

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George Kalathas (the "Petitioner") petitions the Corporation of Shepherdstown (the "Town"), pursuant to West Virginia Code § 8-6-4 (Annexation without an election), to annex three (3) contiguous parcels of real estate (the "Property") containing 8.276 acres in the aggregate.

The Property is located on the north side of what would be an extension of High Street in the Shepherdstown Magisterial District and is contiguous with the municipal boundary of the Town of Shepherdstown. (See Plat Book 10, page 101, et seq., and Exhibits B, C, and E)

The Property is described in two (2) Deeds, the first dated the 5<sup>th</sup> day of November, 1987, and recorded in the office of the Clerk of the County Commission of Jefferson County, West Virginia, on November 24, 1987, in Deed Book 592, page 162, by which the entire 8.28 acres parcel was acquired by the Petitioner, and the second dated the 11<sup>th</sup> day of August, 1992, and recorded in the aforesaid Clerk's office on August 20, 1992, in Deed Book 721, page 573, by which Tract 1 (containing 6.397 acres) and Tract 3-Residue (containing 0.961 acre) were created, both of which parcels being described upon the aforementioned

plat; a copy of both Deeds are attached and labeled Exhibit A-1 and Exhibit A-2.

A copy of the plat (Sheet 5 of 5) referenced in the Deed last above mentioned (Exhibit A) is attached as Exhibit B, with the Property being described thereon as Tract 1, Tract 2, and Tract 3-Residue.

The Property is identified on Jefferson County Tax Map 8, a copy of which is attached as Exhibit C, as follows:

Tract 1 (containing 6.40 acres)	- Parcel 43
Tract 2 (containing 0.92 acre)	- Parcel 43.1
Tract 3-Residue (containing 0.96 acre)	- Parcel 43.2

#### OWNERSHIP

The Petitioner is the sole freeholder of the Property.

The entire western boundary of the Property (720 feet) is adjacent to and contiguous with the existing municipal boundary of the Town. The two adjacent parcels, within the corporate boundary of the Town, are owned by (the Estate of) Herbert E. May and by the Corporation of Shepherdstown (the Municipal Sewer Plant) which are shown on Tax Map 8 as parcels 88 and 88.0001, respectively. The southwestern-most corner of the Property abuts the existing terminus of High Street although vehicular access to the Property will be through an adjacent parcel of real estate owned by the Petitioner (Tax Map 8, parcel 44.0001; and Deed Book 883, page 349) which abuts River Road near the terminus of German Street.

### QUALIFIED VOTERS

The Property is unoccupied/uninhabitable; there are no persons/voters who reside on the Property.

### REQUIREMENTS OF CHAPTER 14 OF THE TOWN CODE

In accordance with the provisions of Section 9-1424, Annexation, of the Town Code, the Petitioner submits the following information:

#### I. BASIS FOR ANNEXATION REQUEST, DEVELOPMENT PLANS, ZONING

The only "improvements" upon the Property are an unoccupied/uninhabitable two-story stone home and several ancillary structures.

The Property was historically known as "Sarnia". It is the recollection of the undersigned that the home was substantially destroyed by a fire in the late 1950s and was thereafter allowed to deteriorate. Attached are two pages, labeled Exhibit D, from a Realtor's listing/advertisement of Sarnia which provides a glimpse of the home's appearance prior to the fire. [Note: The reference found on the last paragraph of the second page that "Land taxes are low. West Virginia has no income tax." are both no longer applicable.]

The Petitioner desires to annex the Property and begin the planning process for the further stabilization and rehabilitation of the stone home.

This Petition is submitted conditioned on the Property being annexed in the Residential Commercial District. (See Section 9-602(e)).

## II. LEGAL DESCRIPTION AND PLAT

A legal description of the Property, prepared by R. Michael Shepp, West Virginia Professional Surveyor No. 641, dated March 7, 2011, is attached as Exhibit E which describes the Property as a unitary parcel.

The most recent plat of the Property (Exhibit B) is recorded in the aforesaid Clerk's office in Plat Book 10, page 101, et seq. A plat of the Property, when acquired by the Petitioner, is attached to the Deed recorded in Deed Book 592, page 162 (Exhibit A-1).

## III. STATEMENT OF PROJECTED IMPACTS TO THE TOWN

- A. Utilities. Water and sewer services are furnished to the Property by the Town, the costs of which were paid by the Petitioner. Electric service to the Property is furnished by Potomac Edison; there is no telephone service to the Property.
- B. Proffers. No proffers will be made to the Town.
- C. Financial Impact. There will be no detrimental financial impact to the Town resulting from the annexation of the Property. Rather, a positive financial benefit will inure to the Town from various sources, i.e., utility excise taxes (electricity and water). In addition, the Town will receive additional real estate taxes. The 2011 real estate tax bills for the Property report an aggregate assessed value of \$294,000.00 (being sixty percent of its fair market value as determined by the County Assessor). The 2011 tax rate for

Class 4 property (non-owner occupied real estate) is 0.2564 percent which results in real estate taxes payable to the Town of approximately \$755.00 per year.

The cost of maintaining the existing access to the Property (from either an extension of High Street or through the Petitioner's property abutting River Road/German Street Extended) will be borne by the Petitioner and not by the Town.

In summary, the Town will improve its financial posture upon the Property being annexed.

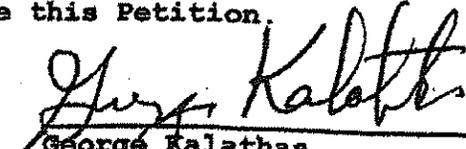
D. Traffic Study. No traffic to or from the Property will be generated beyond that which now exists as only the Petitioner accesses the Property through other real estate owned by him outside of the Town's corporate limits nor will the Property provide any access to any other portion of the Town.

E. Adequate Public Facilities. The Petitioner is unaware of any adverse impact to the Town by the annexation of the Property, primarily because the improvements are in existence and that any external changes to the Property, by modifications, additions, etc., would be subject to review and approval by the appropriate commissions of the Town.

As stated in Section A, other than the Town providing garbage service to the Property, there will be no impact upon the Town's public facilities beyond those that exist at this time.

**SUMMARY**

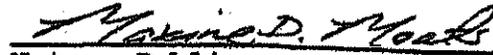
For the foregoing reasons, the Petitioner respectfully prays the Town Council to approve this Petition.

  
George Kalathas  
Owner/Petitioner

STATE OF WEST VIRGINIA,  
COUNTY OF JEFFERSON, to-wit:

The foregoing Petition For Annexation was acknowledged before me in my said county and state by George Kalathas, Owner/Petitioner, this 25<sup>th</sup> day of January, 2012.

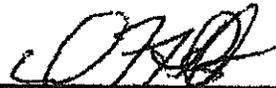
(Affix Notarial Seal)

  
Notary Public



My commission expires: July 13, 2014

Prepared and submitted by:

  
D. Frank Hill, III  
Attorney for the Petitioner  
136 E. Garman Street  
P.O. Box A  
Shepherdstown, WV 25443  
(304) 876-9333  
West Virginia Bar No. 1725

January 26, 2012

## SCHEDULE OF EXHIBITS

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- |             |   |
|-------------|---|
| Exhibit A-1 | Deed (Book 592, page 162)                           |
| Exhibit A-2 | Deed (Book 721, page 573)                           |
| Exhibit B   | Plat of Property (Plat Book 10, page 101-D)         |
| Exhibit C   | Tax Map (subject property shown in top-left corner) |
| Exhibit D   | 2-page historical narrative/pictures of Sarnia      |
| Exhibit E   | Legal Description (consolidated parcel)             |

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7103

THIS DEED made this 5th day of November, 1987, by and between  
MARTHA N. FALTRON, widow, party of the first part, hereinafter referred  
to as Grantor, and GEORGE KALATHAS, married, party of the second part,  
hereinafter referred to as Grantee.

WITNESSETH: That for and in consideration of the sum of Ten  
Dollars (\$10.00) each in hand paid to the Grantor from the Grantee, and  
other good and valuable consideration, the receipt of which is hereby  
acknowledged, the said Grantor does hereby grant and convey, with  
covenants of general warranty, unto the Grantee, in law stable, the  
following described property:

All that certain tract or parcel of real estate situated in  
Shepherdstown District, Jefferson County, West Virginia, and shown on a  
plat of a survey of the Faltron property dated October 12, 1987, made  
by E. Michael Shapp, L.L.S., which is attached hereto, made a part  
hereof, and described as follows:

BEINGING at a stone beside a fence post, corner  
with Shultz (32), thence with Klein and Duncan N  
31° 06' 57" E 548.13 feet to a corner with Duncan  
and the south bank of the Potomac River at the mean  
low water line (202); thence with said mean low  
water line N 22° 41' 14" W 600.44 feet to a corner  
with May (40); thence with May S 26° 42' 56" W  
720.00 feet to a 45 meter to be set (200); thence  
with the south line of the Old County Road with  
Daugherty and Shultz S 70° 00' 00" E 592.00 feet to  
the point of beginning, containing 6.28 acres.

TOGETHER WITH all easements and appurtenances thereunto  
belonging, including the right of the use of the Old County Road and  
further subject, however, to the right of others to the use of the Old  
County Road over the southern portion of the real estate herein  
conveyed.

AND BEING the same real estate conveyed to Martha Faltron by  
deed dated December 10, 1979, from R. Harold Faltron, her husband, and  
recorded in the aforesaid Clerk's Office in Deed Book 468 at Page 730.

THIS CONVEYANCE IS MADE SUBJECT to utility line easements and  
restrictive covenants of record.

12/2/87 Mailed to George Kalathas, P.O. Box 784, Shepherdstown WV 25743

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DECLARATION OF CONSIDERATION OR VALUE

Martha M. Faltrou, the Grantor herein, whose address is 2682 North Alvarado Way, D-134, Tucson, Arizona, 85712, by her signature below declares that the total consideration paid for the conveyance evidenced by the deed to which this declaration is appended is \$60,000.00.

WITNESS the following signature and seal.

*Martha M. Faltrou*  
MARTHA M. FALTRON

STATE OF ARIZONA  
COUNTY OF Pima, to-wit:

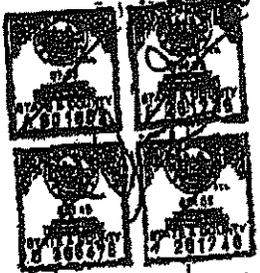
The foregoing instrument was acknowledged before me this 09th day of November, 1987, by MARTHA M. FALTRON, widow.

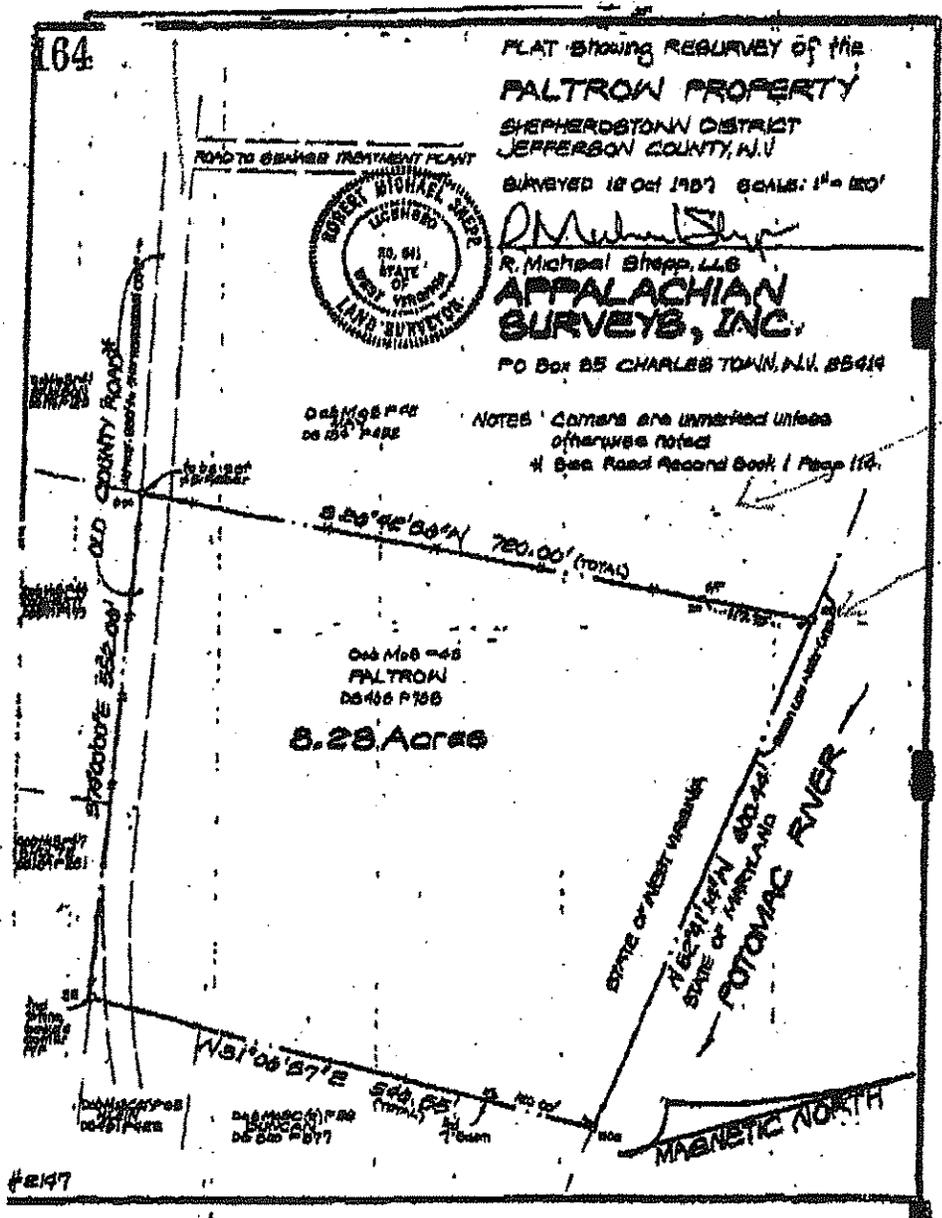
OFFICIAL NOTARIAL SEAL

*Frances Marie DeSantis*  
Frances Marie DeSantis  
Notary Public

My commission expires:  
My Commission Expires 12-18-87

This Deed was prepared by  
John G. Skinner, Jr., Attorney at Law  
Charles Town, West Virginia 25416  
File No. BK-87-07136/eso





State of West Virginia, County of Jefferson, 8ct.  
 IN THE CLERK'S OFFICE OF COUNTY COMMISSION:  
 on NOV 8 1987, at 11:45 A.M., the foregoing  
 Deed of B. & S. was received in my said office and duly  
 admitted to record.

Test,

John E. Ott  
 Clerk of County Commission

BOOK NO. 221 JEFFERSON COUNTY

573

6487

THIS DEED MADE this 11th day of August, 1992, by and between PETER L. CHARMAKIAN, Trustee, hereinafter referred to as GRANTOR; and GEORGE KALATHAS, a married man, hereinafter referred to as GRANTEE.

WITNESSETH: that for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said Grantor does hereby grant and convey, with covenants of general warranty, in fee simple, unto the said Grantee, all the following tracts or parcels of real estate, more particularly described as follows:

PARCEL I

All that certain tract or parcel of real estate, with improvements thereon and appurtenances thereunto belonging, situate in the Shepherdstown District, Jefferson County, West Virginia, as the same is bounded and described on a survey and plat thereof entitled "Plat of Survey Showing Property of George Kalathas," dated June, 1992, made by Appalachian Survey, Inc., sheets 1 through 5, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 10 at page 101A-B, thereon shown on Sheet 5 of 5 as "Tract 1" comprising 6.397 Acres.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to an existing 30 foot right-of-way unmaintained state road, as shown on the plat hereinabove mentioned and to a 40 foot wide Access Easement, as shown on the plat hereinabove mentioned.

PARCEL II

All that certain tract or parcel of real estate, with improvements thereon and appurtenances thereunto belonging, situate in the Shepherdstown District, Jefferson County, West Virginia, as the same is bounded and described on the above mentioned survey and plat, thereon shown on Sheet 5 of 5 as "Tract 3 Residue" comprising 0.951 Acres.

AND BEING the same parcels of real estate that were conveyed unto the Grantor herein from George Kalathas and Lambriny Kalathas, husband and wife, by two separate deeds, both dated

6-21-92 Shepherds



574

August 11, 1992, and recorded in the aforesaid Clerk's Office immediately preceding the recording of this deed.

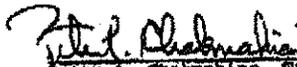
The land hereby conveyed is adjacent to and contiguous with land already owned by the Grantee herein.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to restrictive covenants and conditions, easements, assessments and limitations of record.

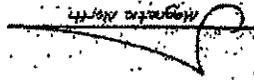
DECLARATION OF CONSIDERATION OR VALUE

Under penalties of fine and imprisonment, as provided by law, the undersigned hereby declare that the transfer of real estate included in this document to which this Declaration is appended is not subject to the West Virginia Excise Tax on the transfer of real estate, for the reason that the same is a transfer between a straw party and the owner, without actual consideration, and therefore exempt.

WITNESS the following signature and seal:

 TRUSTEE  
Peter L. Chakmakian, Trustee (SEAL)

8-162



Rising Sun County, Maryland  
Potomac River  
Potomac Electric Power Co.  
Transmission Lines

Parcel 4A  
Kathleen  
10000 sq. ft.

Parcel 4B  
Kathleen  
10000 sq. ft.

Map which formed the  
basis of  
Deed No. 2000-007

Area occupied  
from  
Parcel 4A

Parcel 4C  
Kathleen  
10000 sq. ft.

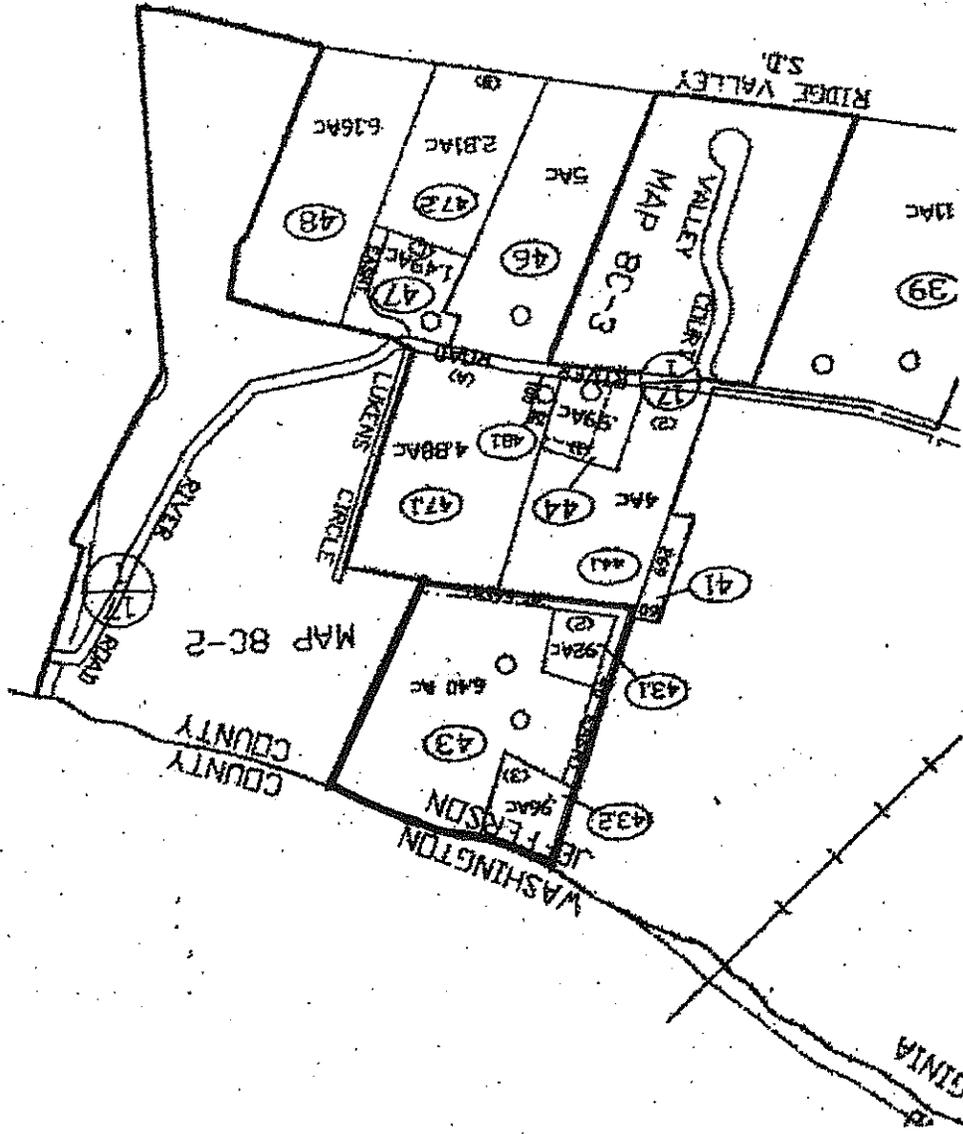


PLAT OF SURVEY SHOWING GEORGE KALATHRAS'  
PARCELS AFTER MERGERS

Containing more or less  
Stephensdistown District Map 6  
Jefferson County, MD

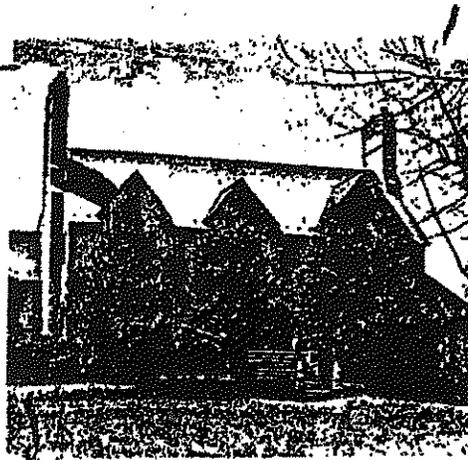
August 16, 1972, APPALACHIAN SURVEYS, INC.

PO. Box 37, Chesapeake, Tenn. 37314





*Driveway Approach to House*



*Flagged Terrace at Rear of House*



*Another View of House*

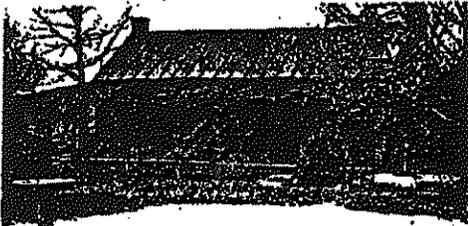
## Shepherdstown, West Virginia

"Sarnia" is a delightful small estate just beyond the fashionable fox-hunting country of Northern Virginia in income tax-free West Virginia. It is close to the village of Shepherdstown, about 16 miles from Hagerstown in Maryland, and 70 from Washington. The eight-acre property is a secluded and peaceful haven, high on a bluff overlooking the winding Potomac with a wonderful view of the green meadows and woods on the opposite shore, and of the far-off Blue Ridge Mountains. In the spring, the grounds around the house are a lovely sight with lilacs, acacias and pink and white apple blossoms in bloom. Later in the season, the maples along the driveway and in the woodland form deep, cool shade. In this mild climate, fragile varieties of lilies and roses flourish in the garden, alongside the hardier perennials.

Half hidden by the surrounding evergreens, the gabled Cotswold house is delightful and has been designed to take the greatest advantage of its magnificent setting above the river. Due to the hollow tile and stucco construction, the cypress shingle



*View of River and Mountains*



*Servants' Cottage*

**OFFERED FOR SALE AT \$40,000**

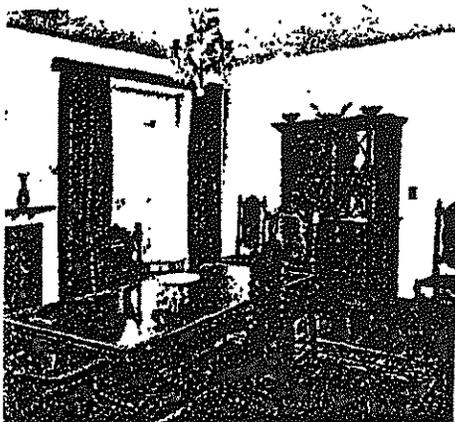
*(For rent on long lease at \$200 per month, furnished)*

Previews Incorporated has made every effort to provide accurate information, but offering is subject to errors and omission, as well as prior sale, change or withdrawal without notice and approval of purchaser by owner.

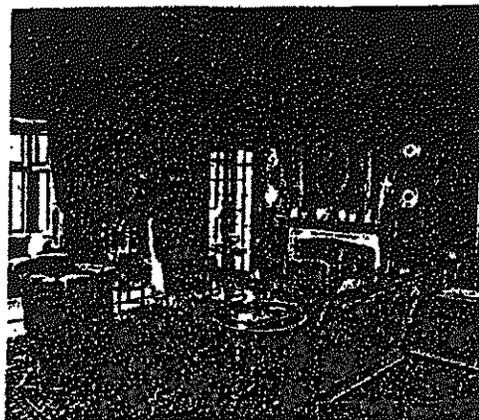
PREVIEWS LISTING No. 40923

roof and the oak window frames and doors, the upkeep is very low. Entering the house, on one side of the small entrance hall is a big closet, on the other is a powder room with a stall shower. Steps lead to a large biscuit-tiled gallery, which has three French windows opening out into a flagstone terrace overlooking the river. Adjoining to the left is a large oak-paneled living room with a huge fireplace and two bay windows and doors leading to a covered porch. To the right of the gallery is a library with tiled floor, beamed oak ceiling, large stone fireplace, and two French doors out onto the terrace; next to it is a fine dining room, also with fireplace and an arched oak door leading to the lawn. Wide stairs lead to the second floor, which is divided into a suite of two bedrooms and a bath having a view over the river, and four more bedrooms and two baths and lavatory. These rooms are all nicely shaped, have delightful views, and three of them have fireplaces.

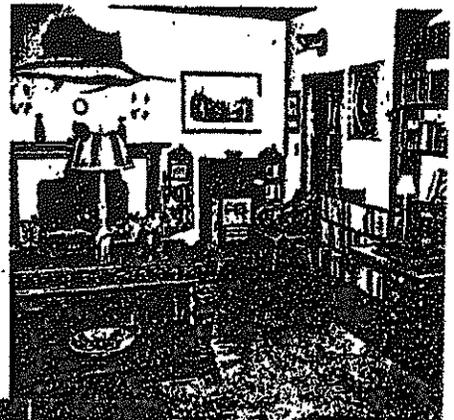
Not far from the house, there is a kennel with three dog runs, a servants' cottage and four-car garage, hung with wistaria. At the foot of the hill lies an unspoilt little village. There are swimming and fishing in the Potomac and in the not-too-distant Shenandoah.



*Dining Room*



*Living Room*



*Library*

EXHIBIT D

ILLUSTRATED BROCHURE FOR PRESENTATION OF PROPERTY TO CLIENTS AVAILABLE ON REQUEST.



Preview Listing 40923



PRICE: \$40,000 For rent or long-term lease of \$200 a month, furnished. SHEPHERDSTOWN, W. VA., Jefferson County. Previewing furnished for sale only subject to provide accurate information, but offering is subject to errors and omissions, change or withdrawal without notice and approval of publisher of source.

Preview Listing 40923  
 "Sarnia" is a perfect small estate, in the scenic rolling country just beyond the fox-hunting section of Northern Virginia. It lies on the outskirts of Shepherdstown, an unspoiled little village overlooking the Potomac. History was made nearby at Antietam, and the heights around Harpers Ferry. From the Norfolk and Western Railroad station a dirt road runs steeply up the bluff to "Sarnia." Once inside the gates, the keynote is quiet shade with the staccato note of an incredibly beautiful view. The driveway is lined with maples, oak trees, oaks, pines, makes of black, oaks, and dogwood. Spruces and poplars tower over the house. Beyond the stony hogged barrier the Potomac lies 125 feet below, and far off on the other side are the Blue Ridge Mountains. The gardens are planted in roses, lilacs and all sorts of perennial. 4 of the 8 acres of land are fields, the rest are lawns and woodlands. 70 miles from Washington and 16 from Hagerstown, Maryland. Schools and stores are only half a mile away. The Orange Golf Club provides good sports. Excellent bass fishing in the Potomac River, or in the Shannondock 5 miles away.  
 RESIDENCE: 11 rooms (4-baths, 6 master bedrooms, 1 maid's room) was built in 1930 in the gracious Cotswold style. It is of hollow tile construction covered with stucco, which requires no upkeep. The house is well built, well and attractively planned. Copper gutters, leaders and screens. Weatherstripping throughout. Cool stoker furnace. Hotwater heater automatic in winter, cool in summer. Public Service electricity. Deep-well pump, Septic tank. Land heats are low. West Virginia has no income tax.



Appalachian Surveys, LLC

Surveying the Eastern Panhandle for 30 years

**Description of Property Proposed for Annexation to  
The Corporation of Shepherdstown**

Three tracts or parcels of land situated on the southern bank of the Potomac River and on the northern side of an unnamed state road, said tract or parcel located in Shepherdstown Magisterial District as shown on a "Plat of Survey showing George Kalathas' Parcels After Mergers", Page 5 of 5, dated 8 July 1992 and recorded in the Office of the Clerk of the Jefferson County Commission in Plat Book 10 at Page 101-D, said parcel proposed for Annexation to the Corporation of Shepherdstown is hereby described as follows:

Beginning at an unmarked point (276) on the southern bank of the Potomac River, said point being North 26°42'56" East 117.75 feet from a wooden corner fence post (30), said fence post on the common boundary with the property owned by the Corporation of Shepherdstown used for the location of a sewage treatment plant; thence for one line down and with the Potomac River

South 52°41'14" East a distance of 600.44 feet to an unmarked point (277) on the southern bank of the Potomac River, said point being North 31°06'57" East a distance of 120.00 feet from a found "T" beam (39) said point a common corner with Duncan; thence in part with Duncan and in part with Painter

South 31°06'57" West at 120.00 feet passing through a found "T" beam, in all a distance of 546.55 feet to a found stone (32) beside a wooden fence post, said post on the southern limit of an unnamed state highway (Road Book 1 Page 114), said stone a common corner with Painter and a point in the boundary with Shultz; thence in part with Shultz and in part with other property owned by Kalathas along the southern limit of an unnamed state highway

North 70°00'34" West a distance of 552.06 feet to a previously set 5/8-inch rebar with ID Cap (200), said rebar a common Corner with other properties owned by Kalathas and a common corner with property owned by May; thence leaving the southern limit of the unnamed state highway and in part with May and in part with the Corporation of Shepherdstown

North 26°42'56" East a distance of 720.00 feet to the Point of Beginning, containing 8.276 acres, more or less.

*R. Michael Shepr*



PO Box 342, Charles Town, WV 25414  
304-724-5008 voice 304-724-5010 fax  
www.appalachiansurveysllc.com

