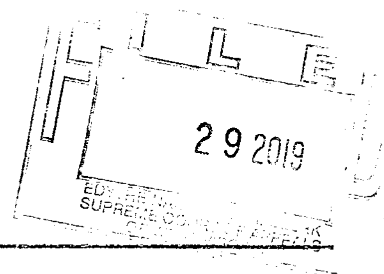
DO NOT REMOVE
FROM FILE

FILE COPY



RECORD NO. 19-412

IN THE

SUPREME COURT OF APPEALS OF WEST VIRGINIA

THE CITY OF CHARLES TOWN, WEST VIRGINIA, a municipal corporation, Plaintiff below,

Petitioner,

vs.

THE JEFFERSON COUNTY COMMISSION, a West Virginia public corporation, Defendant below,

Respondents.

ON APPEAL FROM THE CIRCUIT COURT OF JEFFERSON COUNTY
(CIVIL ACTION NO. 17-C-282)

OPENING BRIEF OF PETITIONER CITY OF CHARLES TOWN, WEST VIRGINIA

Floyd McKinley Sayre, III (WVSB # 4342)
BOWLES RICE LLP
101 South Queen Street
Post Office Drawer 1419
Martinsburg, West Virginia 25402-1419
Tel: (304) 264-4226
Fax: (304) 267-3822
ksayre@bowlesrice.com

Counsel for Petitioner City of Charles Town, West Virginia

TABLE OF CONTENTS

I. ASSIGNMENTS OF ERROR 1

II. STATEMENT OF THE CASE 1

III. SUMMARY OF ARGUMENT 3

IV. STATEMENT REGARDING ORAL ARGUMENT AND DECISION 3

V. ARGUMENT 4

A. The Circuit Court's judgment is reviewed *de novo*. 4

B. The Circuit Court erred when it found that the West Virginia legislative when it enacted W. Va. Code § 8-6-4a(c)(2) gave the County Commission of Jefferson County the ability to prevent the City of Charles Town to annex property within its Urban Growth Boundary 4

C. The Circuit Court erred when it failed to rule that under W. Va. Code § 8-6-4a(c)(2) if the City filed a completed application for annexation, pursuant to W. Va. Code § 8-6-4a(c)(2), the county is required as a ministerial function to approve that application. 7

VI. CONCLUSION 11

TABLE OF AUTHORITIES

Cases

Blankenship v. City of Charleston,
223 W. Va. 822, 679 S.E.2d 654 (2009) 4

Bullman v. D & R Lumber Co.,
195 W. Va. 129, 464 S.E.2d 771 (1995) 8

Click v. Click,
98 W.Va. 419, 127 S.E. 194 (1925) 9, 10

Hasson v. Chester,
67 W. Va. 278, 67 S.E. 731 10

Meadows v. Wal-Mart Stores, Inc.,
207 W. Va. 203, 530 S.E.2d 676 (1999) 5

Mitchell v. Broadnax,
208 W.Va. 36, 537 S.E.2d 882 9

Old Dominion Building, etc., Association v. Sohn,
54 W. Va. 101 10

Parsons v. County Court,
92 W. Va. 490, 115 S.E. 473 10

Pristavec v. Westfield Ins. Co.,
184 W.Va. 331, 400 S.E.2d 575 (1990) 9

Rider v. County Court,
74 W. Va. 712, 82 S.E. 1083 10

State ex rel. City of Charles Town v. Cty. Comm'n of Jefferson Cty.,
221 W. Va. 317, 655 S.E.2d 63 (2007) 9

State v. Baltimore & Ohio Railroad Co.,
61 W.Va. 367, Pt. 2, Syl. [56 S.E. 518] 10

State v. Snyder,
64 W.Va. 659, 63 S.E. 385 (1908) 11

Statutes

W. Va. Code § 8-6-2 .... 3, 6

W. Va. Code § 8-6-4 .... 3, 4, 7

W. Va. Code § 8-6-4a .... i, 1, 2, 4, 5, 10, 11

W. Va. Code § 8-6-4a(c)(1) 3

W. Va. Code § 8-6-4a(c)(2) .... i, 1, 2, 3, 4, 7, 8, 9, 11

W. Va. Code § 8-6-5 .... 2, 4, 6, 7, 8

W. Va. Code § 8-6-5(c) 3, 8, 11

W. Va. Code § 8-6-5(d) 2, 3, 8, 11

W. Va. Code § 8-6-5(e) 3, 9, 11

I. ASSIGNMENTS OF ERROR

1. The Circuit Court erred when it found that the West Virginia legislative when it enacted W. Va. Code § 8-6-4a(c)(2) gave the County Commission of Jefferson County the ability to prevent the City of Charles Town to annex property within its Urban Growth Boundary.

2. The Circuit Court erred when it failed to rule that under W. Va. Code § 8-6-4a(c)(2), if the City filed a completed application for annexation, pursuant to W. Va. Code § 8-6-4a(c)(2), the county is required as a ministerial function to approve that application.

II. STATEMENT OF THE CASE

This is a declaratory judgment action filed by The City of Charles Town (the "City") against the Jefferson County Commission (the "County"). App. at P 1-9. The City is a municipal corporation located in Jefferson County, West Virginia. Defendant the Jefferson County Commission (the "County") is a public corporation located in West Virginia. In 2003, the City established an Urban Growth Boundary (the "Urban Growth Boundary") to identify the logical extent of city growth, development, utility services, and investment in the area around its established city limits. The County affirmed and adopted the Urban Growth Boundary in 2010 in a revision to its already-adopted zoning map. The County reaffirmed the Urban Growth Boundary again in 2014 with when it adopted the "Envision Jefferson 2035" comprehensive plan and new 2015 Jefferson County Zoning Map.

On July 10, 2009, W. Va. Code § 8-6-4a, which provided for "[a]nnexation without election for municipalities in counties that have an adopted countywide zoning ordinance which includes urban growth boundaries," became effective. Pursuant to this code provision, on March 20, 2017, the City of Charles Town City Council (the "City Council") voted unanimously to annex 2,601.83

acres of land into the City. The entirety of this acreage is located within the Urban Growth Boundary.

On March 30, 2017, the City's mayor, Mayor Peggy Smith, presented to the County, on behalf of the City, an application of annexation by minor boundary adjustment seeking to annex 2,601.83 acres into the City. On April 6, 2017, the County denied this application, finding that the City had failed to meet the threshold requirements of W. Va. Code § 8-6-5. On April 12, 2017, the County held a special meeting for the sole purpose of revising this April 6, 2017 decision. At that special meeting, the County amended its prior decision to clarify that it denied the City's application because the City did not meet the threshold requirements for consideration under W. Va. Code § 8-6-5(d) and § 8-6-4a(c)(2).

Thereafter, on November 22, 2017, the City filed a Complaint for Declaratory Relief in which it asked this Court to clarify its, and the County's, rights and responsibilities under W. Va. Code §§ 8-6-4a and 8-6-5.

On March 28, 2019, The Circuit Court entered summary judgment in favor of the County, finding "This Court does not agree. It is clear that in comparing the two types of annexation permitted within an urban growth boundary, annexation under section 4a(c)(1) [not a minor boundary adjustment] and section 4a(c)(2) [minor boundary adjustment], in both cases, consistent with annexation under sections 2 and 4, there must be a manifestation of agreement by the freeholders and voters of the territory to be annexed. The legislature specified, however imperfectly, that when a proposed annexation is by minor boundary adjustment under section 4a(c)(2), a municipality must still comply with section 4 – which this Court interprets to mean a petition signed by a majority of voters and freeholders within the territory to be annexed followed by enactment of an ordinance. Any other interpretation of the requirements of section 4a(c)(2)

would not be consistent with the spirit, purposes and objects of the general system of law of annexation set forth in Article 6, Chapter 8 of the W. Va. Code." App. at 61-63.

III. SUMMARY OF ARGUMENT

1. The Circuit Court substituted its opinion for the legislative intent when it determined that is was clear that in comparing the two types of annexation permitted within an urban growth boundary, annexation under W. Va. Code § 8-6-4a(c)(1) [not a minor boundary adjustment] and W. Va. Code § 8-6-4a(c)(2) [minor boundary adjustment], in both cases, consistent with annexation under W. Va. Code § 8-6-2 and W. Va. Code § 8-6-4, there must be a manifestation of agreement by the freeholders and voters of the territory to be annexed.

2. The Circuit Court ruled that the City, when it files an application for annexation under W. Va. Code § 8-6-4a(c)(2), must also comply with W. Va. Code § 8-6-4 – which the Court interpreted to mean a petition signed by a majority of voters and freeholder within the territory to be annexed followed by enactment of an ordinance. This clearly violates the plain reading of § 8-6-4a(c)(2), the City is required to include in its application for annexation those factors contained in W. Va. Code § 8-6-5(c). Under § 8-6-5(d), the County's sole role in reviewing this application is determining whether it meets the threshold requirements for consideration; it has no authority to deny the application because it does not agree with or approve of the annexation. So long as those threshold requirements are met, under W. Va. Code § 8-6-5(e) the County must order the publication of a notice of the proposed annexation and hold a public meeting on the proposal Under W. Va. Code § 8-6-4a(c)(2), once the County's required public hearing is concluded, the County is required to enter an order.

IV. STATEMENT REGARDING ORAL ARGUMENT AND DECISION

The City believes this case is suitable for Rule 20 argument because it involves issues of first impression and fundamental public importance. The plain and unambiguous language of W.

Va. Code § 8-6-4a . The Circuit Court incorrectly applied the law, and its decision will substantially impact all municipalities located in Jefferson County.

V. ARGUMENT

A. THE CIRCUIT COURT'S JUDGMENT IS REVIEWED *DE NOVO.*

Orders entering summary judgment and orders entering declaratory judgment are both reviewed *de novo*. Syl. Pts. 1 & 2, *Blankenship v. City of Charleston*, 223 W. Va. 822, 679 S.E.2d 654 (2009).

B. THE CIRCUIT COURT ERRED WHEN IT FOUND THAT THE WEST VIRGINIA LEGISLATIVE WHEN IT ENACTED W. VA. CODE § 8-6-4A(C)(2) GAVE THE COUNTY COMMISSION OF JEFFERSON COUNTY THE ABILITY TO PREVENT THE CITY OF CHARLES TOWN TO ANNEX PROPERTY WITHIN ITS URBAN GROWTH BOUNDARY.

W. Va. Code § 8-6-4a was enacted to provide a path by which municipalities in counties that have adopted countywide zoning ordinance that includes urban growth boundaries could annex property without having to conduct an election. Specifically, § 8-6-4a(c)(2) applies if this annexation is to be conducted by minor boundary adjustment and all property to be annexed is located entirely within the that urban growth area. Per the undisputed facts in this case, it is clear that § 8-6-4a(c)(2) governed the City's application for annexation.

Under that section, the municipality may so annex the proposed property "pursuant to the provisions of [§ 8-6-4] if the provisions of [§ 8-6-5] are followed, except that agreement with the county commission is not required." See W. Va. Code § 8-6-4a(c)(2). Thus, under a plain reading of § 8-6-4a(c)(2), the City has the right to annex property within the Urban Growth Boundary, and that once the City has determined that an annexation is a minor boundary adjustment, it can annex property within the Urban Growth Boundary. The City was entitled to summary judgment on its request for a declaratory judgment order.

In the interpretation of a statute, the legislative intention is the controlling factor; and the intention of the legislature is ascertained from the provisions of the statute by the application of sound and well established canons of construction. Syllabus Point 2, *Meadows v. Wal-Mart Stores, Inc.*, 207 W. Va. 203, 530 S.E.2d 676 (1999).

With the enactment of W. Va. Code § 8-6-4a the legislature understood the need for planned and orderly growth for municipalities in West Virginia in counties that have county wide zoning. The legislature created urban growth boundaries W. Va. Code § 8-6-4a.

> (2) "Urban growth boundary" means a site-specific line, delineated on a zoning map or a written description in a zoning ordinance identifying an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area. The urban growth boundary may be called by any name chosen by the county commission, but the word "boundary" shall be used in the name of the boundary. The boundary shall be established by the county commission in agreement with each individual municipality regarding that municipality's boundary. If the county commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court. Once a county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality. The county commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.

It is the clear intent of the legislature create a new planning tool to encourage a more efficient and effective way of urban growth in West Virginia.

The City and County created the urban growth boundary, in 2003, and the County affirmed and adopted the Urban Growth Boundary in 2010 in a revision to its already-adopted zoning map. The County reaffirmed the Urban Growth Boundary again in 2014 with when it

adopted the "Envision Jefferson 2035" comprehensive plan and new 2015 Jefferson County Zoning Map. Both the County and the City realized that the land in the Urban Growth Boundary are areas that would benefit in the future by inclusion in the municipal limits.

The Court ignored the fact that the elected officials of the City and County jointly determined the area to be included in the Urban Growth Boundary and subject to the special processes for annexation. In fact the Court decided to substitute its opinion for that of the elected legislature, County Commission and City Council and made certain findings, "...this case turns upon the question of who the legislature intended to ultimately decide whether property currently outside of a municipal boundary should be subject to annexation into a municipality: the voters/freeholders or a municipality? Reading Article 6 – Annexation as a whole, the legislative intent is clear: the decision belongs to the voters and freeholders, not a municipality.

One process to approve annexation is an election. See W. Va. Code 8-6-2. Section 2 requires an election that serves to protect freeholders and voters of both the municipality and the territory to be annexed by requiring a petition and election. W. Va. Code § 8-6-2(a) - (d).

Article 6, section 4 creates an exception to the requirement of an election when a majority of freeholders and voters in the area to be annexed petition for annexation. In both cases, whether under section 2 or section 4, the ultimate decision belongs to the people, not to a municipality.

In section 5, when dealing with "minor boundary adjustment," whatever the term "minor" might mean, a determination must still be made as to "[w]hether the affected parties of the territory to be annexed oppose or support the proposed annexation." W. Va. Code § 8-6-5(f)(3). Thus, while neither a vote or petition is required for minor boundary adjustments, the opinions of

those presumably few voters and freeholders affected by a minor boundary adjustment still matters.

While the legislature did not define the size of an urban growth boundary, given that by definition it is intended to include "a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth" it could be sizeable - in this case, 2,601.83 acres – and encompass many voters and freeholders. Thus, in the case of annexation of territory within an urban growth boundary, even if the application is made pursuant to a minor boundary adjustment as permitted by section 4a(c)(2), the legislature still requires compliance with section 4. The essence of section 4 is adherence to the principal of majority rule by the freeholders and voters of the territory proposed to be annexed." App at 67-69.

This interpretation of the annexation statutes ignores the fact that the legislature created a unique process of annexation in areas within an Urban Growth Boundary. Further, instead of making the annexation within the Urban Growth Boundary easier, the Courts findings make the process more cumbersome. The Court exceeded its authority in substituting its opinion for the clear legislative intent concerning the annexation within an Urban Growth Boundary.

C. THE CIRCUIT COURT ERRED WHEN IT FAILED TO RULE THAT UNDER W VA. CODE § 8-6-4A(C)(2) IF THE CITY FILED A COMPLETED APPLICATION FOR ANNEXATION, PURSUANT TO W. VA. CODE § 8-6-4A(C)(2), THE COUNTY IS REQUIRED AS A MINISTERIAL FUNCTION TO APPROVE THAT APPLICATION.

W. Va. Code § 8-6-4a(c)(2) allows the City to annex, by minor boundary adjustment, property that is entirely located within the Urban Growth Boundary, pursuant to the provisions of § 8-6-4, so long as the provisions of § 8-6-5 are followed, "except that agreement with the county commission is not required." *See* W. VA. CODE § 8-6-4a(c)(2). The provisions of § 8-6-4 permit a municipality to annex property by ordinance and without having to hold an election. Thus, when § 8-6-4a(c)(2), § 8-6-4, and § 8-6-5 are all read together, they provide that the City may

annex property located entirely within the Urban Growth Boundary by minor boundary adjustment without having to hold an election, so long as its application for annexation meets the threshold legal requirements set forth in § 8-6-5, excluding those provisions of § 8-6-5 that require the County to agree with or approve the application, as those provisions are rendered inapplicable. Stated another way, under § 8-6-4a(c)(2), the County does not need to approve of, and likewise has no authority to deny, the City's application for annexation by minor boundary adjustment property that is entirely located within the Urban Growth Boundary, so long as that application meets the threshold legal requirements of § 8-6-5.

While the language of W. Va. Code § 8-6-4a(c)(2) is not a model for clarity, this is the only reasonable interpretation of that statute. Reading this statute as requiring a municipality that is applying for annexation by minor boundary adjustment when all the property is located within an urban growth boundary to comply with all of the requirements of W. Va. Code § 8-6-5—as the County apparently did here, since it denied the City's application for annexation on the grounds that it did not comply with § 8-6-5(d) —would render meaningless the provision of Code § 8-6-4a(c)(2) stating that "agreement with the county commission is not required." Such a reading is contrary to West Virginia law, as our Supreme Court of Appeals has made it clear that "courts are not at liberty to construe any statute so as to deny effect to any part of its language," and that "is a cardinal rule of statutory construction that significance and effect shall, if possible, be accorded to every word." *Bullman v. D & R Lumber Co.*, 195 W. Va. 129, 133, 464 S.E.2d 771, 775 (1995). As such, the words phrase "agreement with the county commission is not required" in § 8-6-4a(c)(2) must be accorded its plain meaning—any provision in § 8-6-5 that requires County approval or agreement does not apply to the City's application for annexation. Thus, the only requirements under § 8-6-5 that the City must adhere to are those contained in § 8-6-5(c)—the

items that a municipality must include in its application for annexation. So long as those items are included in its application, and the minimum thresholds are therefore met, under § 8-6-5(e) the County must schedule and publish notice for a public hearing, and then, hold that hearing. Once that meeting is held, under § 8-6-4a(c)(2), the County must approve the application for annexation. The County does not, however, have discretion or authority to deny the application

This plain reading of § 8-6-4a(c)(2) is consistent with our Court of Appeals' recognition that under § 8-6-4, a county commission "is required to enter the annexation order when the municipality certifies that the annexation petition is sufficient," *see State ex rel. City of Charles Town v. Cty. Comm'n of Jefferson Cty.*, 221 W. Va. 317, 323, 655 S.E.2d 63, 69 (2007), as well as its determination that "[a] county commission, which exercises its authority under W. VA. CODE, 8-6-5, as amended, has no interest, personal or official, in the municipal annexation matters which come before it other than to administer the law and thus has no standing to prosecute an appeal as an aggrieved party." Syl. Pt. 2, *Matter of City of Morgantown*, 159 W. Va. 788, 226 S.E.2d 900 (1976).

If a statute is in need of interpretation or construction The Court has a long standing tradition of determining that court must construe a statute according to its true intent and give to it such construction as will uphold the law and further justice. *Mitchell v. Broadnax*, 208 W. Va. 36, 537 S.E.2d 882. Further it is the duty of a court to construe a statute according to its true intent, and give to it such construction as will uphold the law and further justice. It is as well the duty of a court to disregard a construction, though apparently warranted by the literal sense of the words in a statute, when such construction would lead to injustice and absurdity.' Syl. pt. 2, *Click v. Click*, 98 W. Va. 419, 127 S.E. 194 (1925)." Syl. pt. 2, *Pristavec v. Westfield Ins. Co.*, 184 W. Va. 331, 400 S.E.2d 575 (1990).

A statute is to be interpreted in the light of the nature of its subject matter, the purpose of the legislature in passing it, and the conditions and circumstances under which the law making body must have known it would operate; and, upon these considerations, it will not be so interpreted as to make it impose unreasonable burdens, greatly disproportionate to the resultant public benefit, unless its terms are so explicit and positive as to preclude any other construction." *State v. Baltimore & Ohio Railroad Co.*, 61 W. Va. 367, Pt. 2, Syl. [56 S.E. 518]. The purpose of the creation of W. Va. Code § 8-6-4a was to allow for an efficient and orderly annexation within an area that has been designated and Urban Growth Boundary. The Court's finding frustrate that purpose and makes annexation in the Urban Growth Boundary more difficult.

When a statute is capable of two constructions, one of which results in an absurdity or would work manifest injustice and the other of which is practical, it is the duty of the court to adopt the latter, as it can scarcely be presumed that absurdity or an injustice was in the legislative intent. *Old Dominion Building, etc., Association v. Sohn*, 54 W. Va. 101, Syl. 5, 6, 7, 8, and 9, and at page 112, 46 S.E. 222; *Click v. Click*, 98 W. Va. 419, Syl. 2, and page 430, 127 S.E. 194; *Hasson v. Chester*, 67 W. Va. 278, Syl. 2, 67 S.E. 731; *Rider v. County Court,* 74 W. Va. 712, Syl. 1 and page 721, 82 S.E. 1083; *Parsons v. County Court*, 92 W. Va. 490, Syl. 2, and page 495, 115 S.E. 473.

"A statute should be so read and applied as to make it accord with the spirit, purposes and objects of the general system of law of which it is intended to form a part; it being presumed that the legislators who drafted and passed it were familiar with all existing law, applicable to the subject matter, whether constitutional, statutory or common, and intended the statute to harmonize completely with the same and aid in the effectuation of the general purpose and design thereof, if

its terms are consistent therewith." Syllabus Point 5, *State v. Snyder*, 64 W. Va. 659, 63 S.E. 385 (1908).

Under this plain reading of W. Va. Code § 8-6-4a(c)(2), the City is required to include in its application for annexation those factors contained in § 8-6-5(c). Under § 8-6-5(d), the County's sole role in reviewing this application is determining whether it meets the threshold requirements for consideration; it has no authority to deny the application because it does not agree with or approve of the annexation. So long as those threshold requirements are met, under § 8-6-5(e) the County must order the publication of a notice of the proposed annexation and hold a public meeting on the proposal. Finally, under § 8-6-4a(c)(2), once the required public hearing is concluded, the County is required to enter an order approving the City's application for annexation.

The Court failed to find that W. Va. Code § 8-6-4a is binding on the parties and that the County should have approved the application for annexation.

VI. CONCLUSION

The Circuit Court clearly erred by disregarding the plain and unambiguous language of the § 8-6-4a and substituting its opinion the process of annexation. The statute contains no ambiguity and should have been applied by the Circuit Court as written or in the alternative the Court should have correctly set forth the duties and obligations of the parties under § 8-6-4a. The Circuit Court's judgment should therefore be reversed, with direction to enter declaratory judgment in favor of the City that:

a. The City of Charles Town has the right to annex property within its Urban Growth Boundary pursuant to W. Va. Code § 8-6-4a;

b. That once The City of Charles Town has determined that an annexation is a minor boundary adjustment that they can annex property within its Urban Growth Boundary pursuant to W. Va. Code § 8-6-4a(c)(2).

c. The City of Charles Town has determined that an annexation is a minor boundary adjustment and applies to the Jefferson County Commission pursuant to W. Va. Code § 8-6-4a(c)(2) they are required to file an application for annexation:

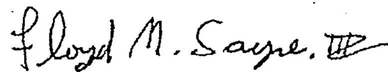
> "…. (the) application for annexation by minor boundary adjustment shall include, but not be limited to:
>
> (1) The number of businesses located in and persons residing in the additional territory;
>
> (2) An accurate map showing the metes and bounds of the additional territory;
>
> (3) A statement setting forth the municipality's plan for providing the additional territory with all applicable public services such as police and fire protection, solid waste collection, public water and sewer services and street maintenance services, including to what extent the public services are or will be provided by a private solid waste collection service or a public service district;
>
> (4) A statement of the impact of the annexation on any private solid waste collection service or public service district currently doing business in the territory proposed for annexation in the event the municipality should choose not to utilize the current service providers;
>
> (5) A statement of the impact of the annexation on fire protection and fire insurance rates in the territory proposed for annexation;
>
> (6) A statement of how the proposed annexation will affect the municipality's finances and services; and
>
> (7) A statement that the proposed annexation meets the requirements of this section."

d. Upon receipt of the application of annexation, of The City of Charles Town. Jefferson County Commission pursuant to W. Va. Code § 8-6-5 shall determine that they application has been filed and that the application meets the threshold requirements for consideration as a minor boundary adjustment:

e. Upon receipt of the application of annexation and a determination the application meets the threshold requirements, the county commission shall order publication of a notice of the proposed annexation to the corporate limits and of the date and time set by the commission for a hearing on the proposal. Publication shall be as in the case of an order calling for an election, as set forth in section two of this article. A like notice shall be prominently posted at not less than five public places within the area proposed to be annexed.

f. Upon conclusion of the public hearing the County Commission is required pursuant to W. Va. Code § 8-6-4(a)(c)2 to enter an order approving the application for annexation.

Respectfully submitted,



Floyd McKinley Sayre, III (WVSB #4342)
BOWLES RICE LLP
101 South Queen Street
Post Office Drawer 1419
Martinsburg, West Virginia 25402-1419
Tel: (304) 264-4226
Fax: (304) 267-3822
ksayre@bowlesrice.com
tmayhew@bowlesrice.com

Counsel for Petitioner City of Charles Town, West Virginia