



Wheeling
WEST VIRGINIA

1500 Chapline Street | Wheeling, WV | 26003

www.WheelingWV.gov

5/1

Affidavit of the Circulator

I, KATHLEEN KRAMER am the Circulator of the attached petition for Annexation and to the best of my knowledge and belief stating that each signature was made in the circulator's (my) presence on the date specified and is the genuine signature of the person whose name it purports to be, and, in cases requiring signatures of qualified voters that such person is to the best of the circulator's knowledge and belief a qualified voter; and in cases requiring signatures of freeholders, that such person is to the best of the circulator's knowledge and belief a freeholder; and in all cases, those signing the petition attached hereto are to the best of the circulator's knowledge and belief those persons who are authorized to sign such petition.

Fore either freeholder or qualified voters who may, because of their physical location, be signing a petition not in the circulator's presence the circulator in contact with such signatory and who has receive by fax and/or mail such signature on the attached petition does state that to the circulator's knowledge and belief that such person or entity is authorized to sign the attached petition and the signature is such person's signature as it purports to be.

Signature of Circulator Kathleen Kramer

Please Print Circulator's Name KATHLEEN KRAMER

Date of Signature 8-24-2021

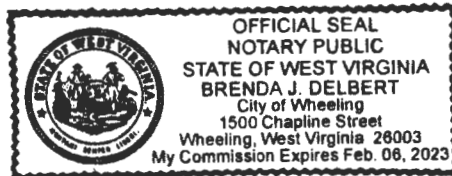
STATE OF WEST VIRGINIA
COUNTY OF OHIO, To-Wit:

I, Brenda J. Delbert, a Notary Public in and for said County and State, do hereby certify that Kathleen Kramer, whose name is signed to the foregoing Affidavit bearing the 24 day of August 2021, ~~2017~~ has this day in my said County and State acknowledged the same before me to be the act and deed of said municipal corporation.

GIVEN under my hand this 24 day of August 2021, ~~2017~~

Brenda J. Delbert
Notary Public

My Commission Expires: 2/06/23



DRAFT EXAMPLE: FREEHOLDERS' PETITION

We, the undersigned, are Freeholders¹ of the additional territory, also known as DANFIELD DRIVE, petitioning the City Council of the City of Wheeling to be annexed into the territory of the municipality of Wheeling, West Virginia.

Print Name	Signature	Address within the territory to be annexed:	Do you reside at this address? [Yes or No]	*IMPORTANT: Are you also a Qualified Voter ² ? [Yes or No]	Are you signing as a firm or corporation? [Yes or No]
¹ Ronald L. South	<i>Ronald L. South</i>	117 Danfield Dr, Wheeling 26063	yes	yes	NO
² Lori A South	<i>Lori A South</i>	117 Danfield Dr Wheeling	yes	yes	NO
³ KATHLEEN SKRAMER	<i>Kathleen Skramer</i>	118 DANFIELD DR WHEELING	YES	YES	NO
⁴ Joe Dobkin	<i>Joe Dobkin</i>	122 Danfield	Yes	Yes	NO
⁵ Jacqueline Palmer aka Bieniek	<i>Jacqueline Palmer</i>	121 Danfield Dr.	ye	yes	NO
6					
7					
8					
9					
10					

QUALIFIED VOTERS who are also FREEHOLDERS in the additional territory requesting annexation may join only one Petition; and if all of the eligible Petitioners are Qualified Voters, then only one Petition – A Qualified Voters Petition – is required. Therefore, it is important to complete all the information needed above so that the City can not only verify the information but also if a separate freeholder petition is needed.

¹ “Freeholder” – An Individual owning a freehold interest in the real property. “Freehold interest in real property” shall mean any fee, life, mineral, coal or oil or gas interest in real property, whether legal or equitable, and whether as a joint tenant or a tenant in common, but shall not include a leasehold interest (other than a mineral, coal or oil or gas leasehold interest), a dower interest, or an interest in a right-of-way or easement, and the freehold interest of a church or other unincorporated association shall be considered as one interest and not as an individual interest of each member thereof.

² A “Qualified Voter” is one who is a legal voter and is eligible to vote at the time that he or she signs this petition. You must be a resident of West Virginia for one (1) year prior to signing this Petition and have been a resident at your address in the additional area requesting annexation for at least sixty (60) days prior to signing this petition. A firm or corporation may also be a qualified voter. [A more complete definition of “Qualified Voter” can be found in West Virginia Code as it applies to annexation.]

DRAFT EXAMPLE: FREEHOLDERS' PETITION

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Print Name	Signature	Address within the territory to be annexed:	Do you reside at this address? [Yes or No]	* IMPORTANT: Are you also a Qualified Voter ² ? [Yes or No]	Are you signing as a firm or corporation? [Yes or No]
¹ Anna M. Miller	<i>Anna M. Miller</i>	123 Danfield Dr	yes	yes	No
² PATRICK H. BELBY	<i>Patrick H. Belby</i>	116 Danfield Dr	yes	yes	No
³ Sharon L. Bober	<i>Sharon L. Bober</i>	115 Danfield Dr	yes	yes	No
⁴ RICHARD STEPHENSON	<i>Richard Stephenson</i>	120 Danfield Dr	yes	yes	No
⁵ Lori Stephenson	<i>Lori Stephenson</i>	120 Danfield Dr	yes	yes	No
⁶ Jack Doyle	<i>Jack Doyle</i>	119 Danfield Dr Wheeling	yes	yes	No
⁷ Tammy Doyle	<i>Tammy Doyle</i>	115 Danfield Dr. Wheeling	yes	yes	No
⁸ AMBROSE BOBER	<i>Ambrose Bobers</i>	115 DANFIELD DR. WHEELING	YES	YES	No
⁹ Glenna Walters	<i>Glenna Walters</i>	125 DANFIELD DR. Wheeling	yes	yes	NO
¹⁰ SUZANNE TROVATO-BOBER	<i>Suzanne Trovato Bober</i>	124 DANFIELD DR. Wheeling	yes	yes	no

QUALIFIED VOTERS who are also FREEHOLDERS in the additional territory requesting annexation may join only one Petition; and if all of the eligible Petitioners are Qualified Voters, then only one Petition – A Qualified Voters Petition – is required. Therefore, it is important to complete all the information needed above so that the City can not only verify the information but also if a separate freeholder petition is needed.

¹ “Freeholder” – An Individual owning a freehold interest in the real property. “Freehold interest in real property” shall mean any fee, life, mineral, coal or oil or gas interest in real property, whether legal or equitable, and whether as a joint tenant or a tenant in common, but shall not include a leasehold interest (other than a mineral, coal or oil or gas leasehold interest), a dower interest, or an interest in a right-of-way or easement, and the freehold interest of a church or other unincorporated association shall be considered as one interest and not as an individual interest of each member thereof.

² A “Qualified Voter” is one who is a legal voter and is eligible to vote at the time that he or she signs this petition. You must be a resident of West Virginia for one (1) year prior to signing this Petition and have been a resident at your address in the additional area requesting annexation for at least sixty (60) days prior to signing this petition. A firm or corporation may also be a qualified voter. [A more complete definition of “Qualified Voter” can be found in West Virginia Code as it applies to annexation.]

ANNEXATION

§ 8-6-4

it is agreed, as a matter of fact, that only three wood, 1897, 27 S.E. 223, 43 W.Va. 242. Mu-
were freeholders. Shank v. Town of Ravens- nicipal Corporations ☞ 33(10)

§ 8-6-3. Governing body of municipality to certify annexation; order

The governing body of such municipality shall enter the results of such election in its minutes, and, when the annexation proposed is adopted, as provided in the immediately preceding section of this article, shall forward a certificate to such effect to the county court of the county wherein the municipality or the major portion of the territory thereof, including the annexed territory, is located; and such court shall thereupon enter an order in substance as follows:

“A certificate of the governing body of the municipality of was this day filed showing that an annexation has been made, in the manner required by law, to the corporate limits thereof, and that by such annexation the said corporate limits are as follows:

“Beginning at (here recite the boundaries as changed). It is, therefore, ordered that such annexation to said corporate limits be, and the same is hereby approved and confirmed, and the clerk of this court is directed to deliver to the said governing body a certified copy of this order as soon as practicable after the rising of this court.”

After the date of such order, the corporate limits of the municipality shall be as set forth therein.

Acts 1937, c. 56; Acts 1951, c. 131; Acts 1969, c. 86.

W.Va. Const., art. IX, § 9, redesignated the office of the county court as county commission.

Library References

Key Numbers

Municipal Corporations ☞33(7).
Westlaw Key Number Search: 268k33(7).

PART III—ANNEXATION WITHOUT ELECTION

§ 8-6-4. Annexation without an election

(a) The governing body of a municipality may, by ordinance, provide for the annexation of additional territory without ordering a vote on the question if: (1) A majority of the qualified voters of the additional territory file with the governing body a petition to be annexed; and (2) a majority of all freeholders of the additional territory, whether they reside or have a place of business therein or not, file with the governing body a petition to be annexed.

(b) For purposes of this section, the term “qualified voter of the additional territory” includes firms and corporations in the additional territory regardless of whether the firm or corporation is a freeholder. A firm or corporation may sign a petition by its manager, president or executive officer duly designated in

writing by the firm or corporation. In any instance where a freeholder leases or rents real property to a firm or corporation the freeholder and the firm or corporation shall determine which entity will be entitled to sign a petition relating to the proposed annexation.

(c) The determination that the requisite number of petitioners have filed the required petitions shall be reviewable by the circuit court of the county in which the municipality or the major portion of the territory thereof, including the area proposed to be annexed is located, upon certiorari to the governing body in accordance with the provisions of article three, chapter fifty-three of this code.

(d) A qualified voter of the additional territory who is also a freeholder of the additional territory may join only one petition of the additional territory.

(e) It shall be the responsibility of the governing body to enumerate and verify the total number of eligible petitioners, in each category, from the additional territory. In determining the total number of eligible petitioners, in each category, a freeholder or any other entity that is a freeholder shall be limited to one signature on a petition as provided in this section. There shall be allowed only one signature on a petition per parcel of property and any freehold interest that is held by more than one individual or entity shall be allowed to sign a petition only upon the approval by the majority of the individuals or entities that have an interest in the parcel of property.

(f) If all of the eligible petitioners are qualified voters, only a voters' petition is required.

(g) If satisfied that the petition is sufficient in every respect, the governing body shall enter that fact upon its journal and forward a certificate to that effect to the county commission of the county wherein the municipality or the major portion of the territory thereof, including the additional territory, is located. The county commission shall thereupon enter an order as described in the immediately preceding section of this article. After the date of the order, the corporate limits of the municipality shall be as set forth therein.

Acts 1951, c. 131; Acts 1961, c. 97; Acts 1963, c. 120; Acts 1965, c. 105; Acts 1967, c. 120; Acts 1969, c. 86; Acts 1989, c. 132; Acts 2001, c. 210, eff. 90 days after April 12, 2001.

Library References

Key Numbers

Municipal Corporations ¶33(3, 7).
Westlaw Key Number Searches: 268k33(3);
268k33(7).

Encyclopedias

C.J.S. Municipal Corporations § 58.

Notes of Decisions

In general 1
Population 2

1. In general

County commission is required to perform ministerial function when it enters order reflect-

ing change in boundaries after municipal authorities certify compliance with statutory procedures providing for annexation upon election initiated by petition and annexation without election upon petition of 60% of voters and freeholders of additional territory; however, powers delegated to county commission under