

Osage or Not?



Al Anderson is passionate about Osage and its future as a community. This sign and empty storefront stand ready, as soon as Osage's civic ambiguities get straightened out, Al says. Photograph by Mark Crabtree.

The brief history of Osage as an official municipality is rich and varied. Controversy lingers, however, and the future is still clouded.

On June 14, 1958, citizens voted 113-80 to incorporate. On June 14, 1994, residents signed a petition asking for a resolution from Osage city council to hold an election of eligible voters on whether the town should be dissolved. Subsequently, residents voted 49-24 to disincorporate. Al Anderson disputes those results. He says most of the 37 people whose names were on the petition did not live in Osage and never had.

A problem with the town was that not enough people were interested in serving on city council. An investigation into questionable traffic ticketing and indebtedness added to the town's malaise. The challenged vote to dissolve the town as a legal entity has led to an ongoing dispute.

In a thick, ringed notebook, Al Anderson keeps copies of the official correspondence among government agencies about whether or not the town exists. Chapter 8, article 35 of the state code states that a municipality cannot be dissolved as long as it owes debts.

In 1994, Mary Ratliff, then-Deputy Secretary of State, explained that Osage owed \$20,000 in debts. "Law provides they must pay debts," she

said, "just as a corporation can't dissolve until they've paid their debts or gone into bankruptcy."

In 1995, Osage town property was auctioned off but the \$16,201.50 taken in did not pay all the debt. On that technicality about debt has hinged a debate.

As late as November 2006, Osage was listed as a municipality on the Secretary of State's Web site. Later that year, Phil Magro, attorney for the Monongalia County commissioners, said he thought the town had been dissolved "and if anyone desires to challenge that, they would have to file the appropriate action in the Circuit Court of Monongalia County."

The state Department of Revenue, Secretary of State, the Monongalia County Commission, and the Monongalia County Prosecuting Attorney's office all have weighed in with opinions, none of them apparently definitive.

The issue of whether Osage is or isn't an official entity is important, Anderson points out, because efforts to get government help are normally denied unless there is a viable entity to deal with. He shows a letter he received from the late Senator Robert C. Byrd, stating he wanted to help but was hindered by the hazy status of whom the senator might be dealing with in an official capacity. At stake also are coal severance taxes that were once paid to Osage but are no longer.

Still another bone of contention are the official geographic boundaries of the town and whether or not the adjoining town of Granville could officially annex property that once fell within the boundaries of Osage. As recently as November 10, 2010, the Monongalia County Commission denied Granville's request to enlarge its borders to include a firehouse adjacent to Osage. People from Osage and Scotts Run who had packed the commission's chambers cheered the decision.

The lucrative University Town Centre mall already was built on land that Anderson said is part of Osage.

"This mall came in. The county commission had redrawn the boundaries and gave it to Granville instead of tiny Osage. That shows that stigma is still there."

To try to resolve the matter, a citizens' group in Osage is meeting to officially revive the town.

"There should be an investigation from the Secretary of State or the Attorney General to see what the proper status of Osage is," says Anderson.

If the town is irrefutably reinstated, all well and good. If not, Anderson says, the townspeople must begin again to go through the steps that will result in its again being an official municipality.

— Norman Julian