

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

#1 COURT SQUARE, SUITE 203  
PARKERSBURG WV 26101

IN RE: MINUTES OF MEETING HELD  
MONDAY, JULY 27, 2015

PRESENT: STEPHEN GAINER, PRESIDENT  
DAVID BLAIR COUCH, PRESIDENT  
ROBERT K. TEBAY, COMMISSIONER

At 9:30 A.M., the County Commission of Wood County met in regular session. They signed purchase orders, invoices, orders and other correspondence.

**AGENDA AND DISCUSSION ITEMS**

At 9:30 A.M., the County Commission reviewed a Petition to close a portion of Ninth Street (formerly Berkeley Avenue), Wood County, WV. The commission ordered the petition be filed and a public hearing be set for August 31, 2015 @ 10:00 A.M. in room 203 of the Courthouse. (Order A/1494)

At 9:42 A.M., the County Commission heard discussion from Lawrence Wilson regarding the proposed fire fee.

At 10:00 A.M., the County Commission met with Matt Harper to discuss a request for a Road Maintenance Association for Nelson Hill Drive. The commission ordered that said Road Maintenance Association be established. (Order A/1495)

**ORDERS APPROVED AND ATTACHED TO THESE MINUTES**

A/1493, A/1494, A/1495, A/order-landsale

Having no further scheduled appointments, the County Commission recessed at 10:21 A.M. until their roundtable meeting at 12:00 P.M.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
Stephen Gainer, President

  
\_\_\_\_\_  
David Blair Couch, Commissioner

  
\_\_\_\_\_  
Robert K. Tebay, Commissioner

To listen to this meeting, please refer to DVD labeled July 27, 2015.

Wood County Commission Meeting  
Held July 27, 2015

Please Print

1.	LAWRENCE WILSON
2.	Matthew B. Harper
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Wood County Commission  
Agenda

7/27/2015

1 Court Square, Suite 203  
Parkersburg, WV 26101

9:30 A.M.	Consider application to close and vacate an unused portion of 9 <sup>th</sup> Street, Parkersburg	
	Discuss Cable Franchise Fee	
10:00 A.M.	Public Hearing – Road Maintenance Association for Nelson Hill Drive	
12:00 Noon	Legislative Roundtable – to be held in the Judge Black Annex	
	Administrator’s Report	Marty Seufer, County Administrator
	County Commission Reports	

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**Discussion, Review and Approval of expenditures and disbursements identified on Exhibit 1, hereto attached**

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**Correspondence for this meeting will be available for public review during regular office hours in Room 205 of the Wood County Courthouse two (2) days prior to the meeting**

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**Exhibit I**

Discussion, Review and Approval of the following items may be included during this meeting and are available for public inspection in the Office of the County Administrator two days prior to this meeting.

Budget revisions

Purchase orders and requisitions

Revisions, reimbursement requests, resolutions and correspondence for grants

Grant disbursements to other entities

Invoices for expenditures to be paid

Reimbursements for travel expenses

Bid specifications and procedures for bids previously authorized by the Commission

Monthly Hotel Occupancy Tax Collection disbursements

Disbursements for previously approved Innovative Programming Grants

Tax refunds, exonerations, improprieties and consolidations

Probate items, including settlements, petitions and Fiduciary Commissioner reports

General Fund disbursements to entities

Funding requests from local organizations by written form

Payroll modification as submitted by elected officials

Wood County Commission  
Mr. Tebay  
Mr. Gainer  
Mr. Couch

27 July 2015

Gentlemen;

I would like to voice some thoughts on the Wood County Fire Board Tax and its real need?

Do you know the Vienna Fire Department receives:

1. On or about \$100,000. in Salary/ Benefits per year for its Fire Chief as of 1 July 2015?
2. Has two (2) other full time employees earning around \$100,000. in Salary/ Benefits per year as 1 July 2015?
3. Receives around \$100,000. in Fire Fees each year from 4400 Residential Property Owners @ \$1.90/month?
4. There are 600 Businesses that pay a fee? I do not know exactly what it is, but let us say the standard \$1.90/ month. That would be about another \$12,000./ year.
5. They also get \$17,500. from the County.
6. They also get \$22,000. from the State.
7. The ice cream social is another money raiser.
8. As with other VFD there are mailings sent out for Donations.
9. Plus one should not forget the Grants from whatever source?

*The Vienna VFD is receiving directly and indirectly over \$350,000/ year in support and is still crying for more.*

It has been said the VFDs need \$80,000 to maintain. What is that money actually used for? Each receives \$39,000. from the County/ State.

Would it not be the responsibility of the County Commission to determine how much each FD gets from ALL sources a year to determine what is any actual need? I suspect the argument is that the Commission cannot do that request? Than why are the VFDs at Commission looking for the approval of a Fee (tax) or a Levy? It does have the authority to question these Revenues/ Expenses.

I have suggested look at combining the 10 VF Departments into 4 or 5 Fire Districts made up of 2 or 3 of the current departments. This would allow for better use of:

1. Equipment/Resources;
2. People;
3. Funds.

It is pretty much known that during the day it can be hard to muster a response crew due to work/ other obligations. As an example how this could work is Vienna has 27 Volunteers and I will *guess maybe* 15- 18 in Williamstown. This being a geographic combination for a Fire District. It would be far easier to roll a response team of 10- 12 from the two "Stations", than from each alone.

This would allow for say a pump from one Station and a Ladder Truck from the other OR an immediate send out of whatever from the two at once. No further delay for asking for additional crews.


For Fund purposes, it would so much easier for any "District" to use combined funds for a new Pump or Ladder or whatever that would serve 2 or three Stations as needed.

Some of the advantages are truly very obvious but I do recognize the 800 pound Gorilla- EGO, EGO and more EGO. But should the Public Safety of our County be trapped by EGO?

And yet, one more suggestion if a Fee (tax) is forced on people. Look at each Department if not a District and those areas that each one is mandated to support. In Vienna in apparently consists of Central and Boaz to the North. Then currently I believe Williamstown picks up the rest of the area? Vienna does NOT need more money so it could charge by Fee (tax) or a levy only the \$1.90/month currently being charged to City Residents. Same concept could be applied to each of the other Departments or Districts. Determine a Fee (tax) based on current payments within each Jurisdiction? Some might very well be \$3.00? Others not so much.

If seems there are other possible and viable options for fairness to those who have to pay the bills. They should ALL be considered. If some one says a certain Law now conflicts, we have our trusty Senators/ Delegates move for an Amendment or Repeal.

Humbly



Lawrence Wilson

1312 10<sup>th</sup> St.

Vienna WV.

304.295.4801

[vienna-wvissues.weebly.com](http://vienna-wvissues.weebly.com)



7/27/15  
71/88

JULY 27, 2015

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA  
IN RE: APPROVAL OF NELSON HILL DRIVE ROAD MAINTENANCE

**ORDER**

On this date, came Matt Harper, on behalf of Five Star Investment Group, LLC, for a Public Hearing in regard to the creation of a Road Maintenance Association

Based upon the testimony offered by the Petitioner, the County Commission does find as follows:

1. That the publication and posting of legal notices has been made, as required by law and all other prerequisites as required by the Commission's procedure for seeking approval for creation of a road maintenance association have been met.
2. The Petition has been executed by persons owning in excess of 60% of the frontage of the lots on both sides of Nelson Hill Drive and the Petition was filed in good faith.
3. The signatures on the Petition are genuine and have been properly acknowledged before a Notary Public.
4. The document creating the Road Maintenance Association addresses the Road Maintenance Association purposes.
5. The proposed Road Maintenance Association will result in benefits to all owners of residential property abutting Nelson Hill Drive.
6. No person appeared objecting to the creation of the Maintenance Association.

It is therefore ORDERED that the Petition of Five Star Investment Group, LLC to establish a Road Maintenance Association in accordance with the provisions of West Virginia Code Chapter 7, Article 12a, Section 3, be and is hereby granted by the County Commission of

Wood County, upon a motion made by Robert K. Tebay, seconded by David Blair Couch and made unanimous by Stephen Gainer.

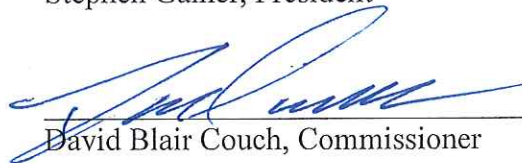
The County Commission of Wood County further Ordered that a Certified Copy of this Order be placed upon the records of the Clerk of the County Commission.

APPROVED:


THE COUNTY COMMISSION OF WOOD COUNTY



Stephen Gainer, President



David Blair Couch, Commissioner



Robert K. Tebay, Commissioner

A/1495

7/27/15  
71/86

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: NELSON HILL DRIVE MAINTENANCE ASSOCIATION, INC.

**Petition to Establish Road Maintenance Association**

The undersigned hereby petition the County Commission of Wood County, West Virginia, In Accordance with the provisions of West Virginia Code 7 – 12A-3(a) to establish the NELSON HILL DRIVE MAINTENANCE ASSOCIATION, INC., as a maintenance association in accordance with the provisions of West Virginia Code Chapter 7, Article 12A, a copy of the Declaration and By-Laws being attached hereto and incorporated herein by reference

The undersigned hereby represent that they, in aggregate, own property described in Article I of the By-Laws of said Association which exceed sixty (60) percent of the frontage of lots on both sides of any road within the property described.

**NAME**

**ADDRESS**

1 Jason M. Nelson

Jason M. Nelson, Member  
Five-Star Investment Group, LLC

The State of Ohio,

The County of Hamilton, To-wit

The Forgoing instrument was acknowledged before me this 5<sup>th</sup> day of June, 2015  
by Jason M. Nelson.

Colleen Ehrnschwender

Notary Public

My Commission Expires 5-18-2020



Colleen Ehrnschwender  
Notary Public, State of Ohio  
My Commission Expires 05-18-2020

2. Cami Smith  
CAMI A. SMITH

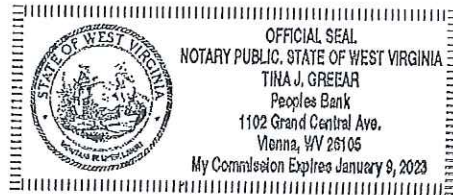
The State of West Virginia,

The County of WOOD, To-wit

The Forgoing instrument was acknowledged before me this 5 day of June, 2015 by  
Drivers License.

Tina J. Greear  
Notary Public

My Commission Expires Jan. 9 2023



3. Joshua E. Smith  
JOSHUA E. SMITH

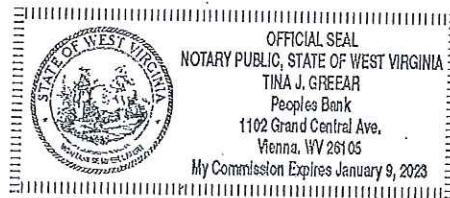
The State of WV

The County of WOOD, To-wit

The Forgoing instrument was acknowledged before me this 5 day of June, 2015 by  
Drivers License.

Tina J. Greear  
Notary Public

My Commission Expires Jan 9 2023



4. Jacob Carr  
JACOBS. CARR

The State of West Virginia,

The County of WOOD, To-wit

The Forgoing instrument was acknowledged before me this 11<sup>th</sup> day of June, 2015 by  
Jacob Carr.

Michael Daley  
Notary Public



My Commission Expires April 21, 2021

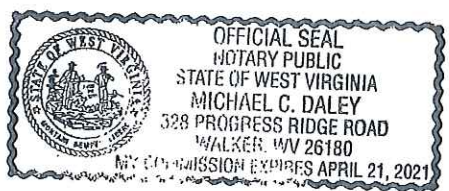
5. Erin Carr  
ERIN N. CARR

The State of West Virginia,

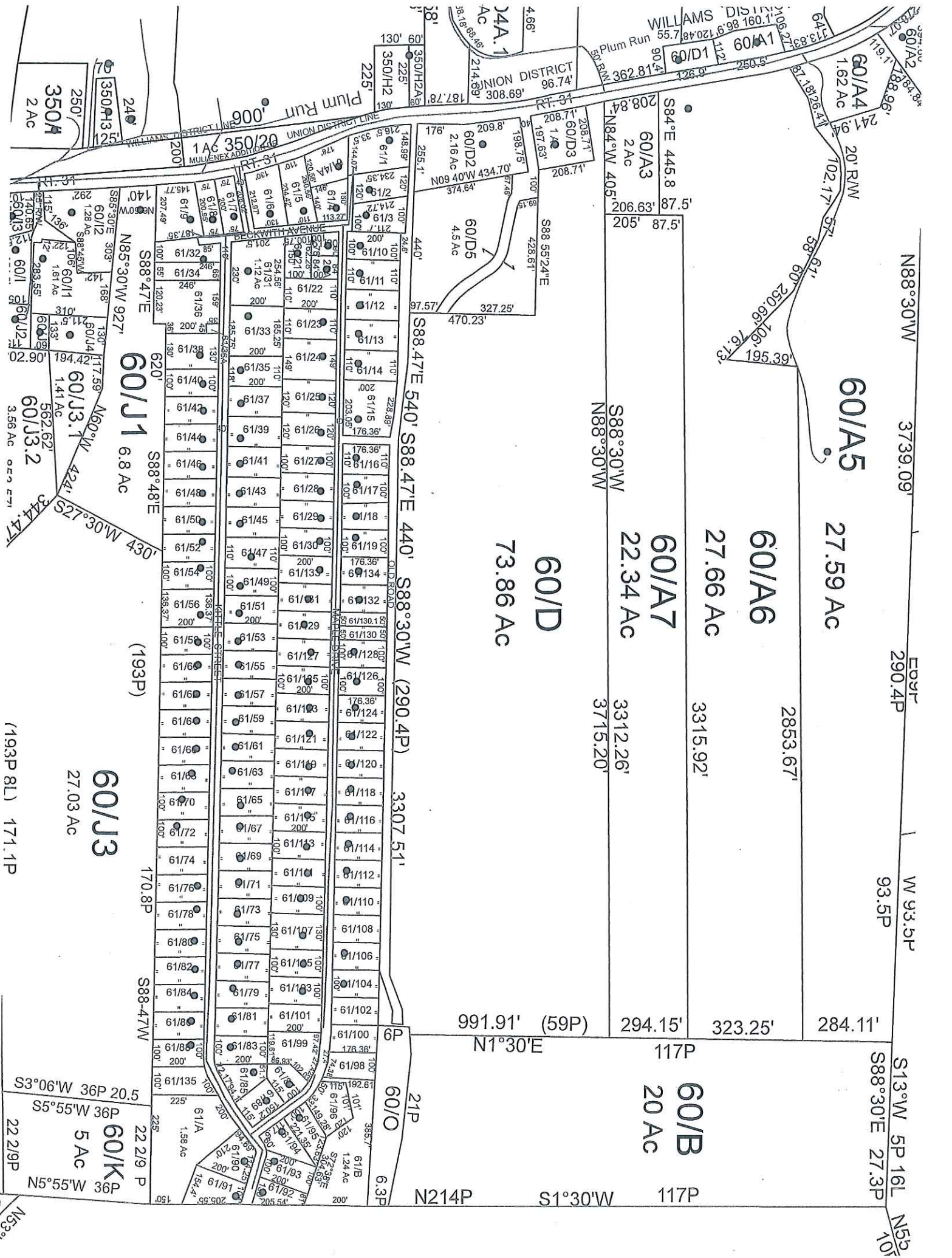
The County of WOOD, To-wit

The Forgoing instrument was acknowledged before me this 11<sup>th</sup> day of June, 2015 by  
Erin Carr.

Michael Daley  
Notary Public



My Commission Expires April 21, 2021



60/A5

27.59 Ac

60/A6

2853.67'

27.66 Ac

3315.92'

60/A7

22.34 Ac

3312.26'

60/D

73.86 Ac

60/J1 6.8 Ac

60/J2 2.4 Ac

60/J3 27.03 Ac

60/K 5 Ac

N88°30'W 3739.09'

E091° 290.4P

W 93.5P

S13°W 5P 16L

S88°30'E 27.3P

991.91' (59P)

294.15'

323.25'

284.11'

N1°30'E

117P

60/B 20 Ac

117P

N214P

S1°30'W

N53°

7/27/15  
7/86

JULY 27, 2015

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION AUTHORIZED THE COUNTY CLERK'S OFFICE TO PERFORM THE DUTIES OF LAND REDEMPTIONS PER WEST VIRGINIA STATE CODE §11A-3-5b.

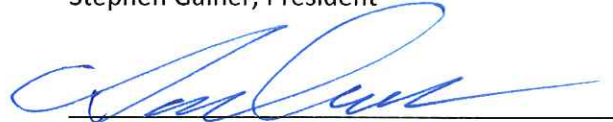
On this date, the County Commission of Wood County, upon a motion made by David Blair Couch, seconded by Robert K. Tebay and made unanimous by Stephen Gainer, did hereby authorize the County Clerk of Wood County to perform the duties pertaining to delinquent land sales by the Sheriff as authorized by West Virginia State Code §11A-3-5b.

The County Clerk's duties will begin with the sale of the 2014 tax year ticket and continue until further ORDER of the County Commission. The sale will be held November 19, 2015.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
Stephen Gainer, President

  
David Blair Couch, Commissioner

  
Robert K. Tebay, Commissioner

A/order-landsale

7/27/15  
71/86

JULY 27, 2015

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: THE COUNTY COMMISSION WAS IN RECEIPT OF THE APPROVAL OF THE REQUEST FOR REVISION TO APPROVED BUDGET IN REGARD TO REVISION NO. 1 IN THE GENERAL COUNTY FUND BUDGET FOR THE FISCAL YEAR 2015/2016.

**ORDER**

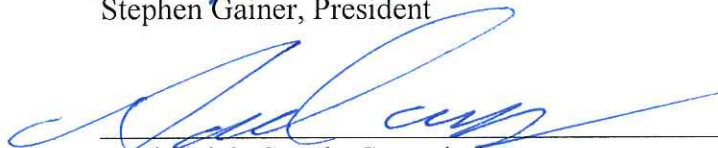
On this date, the County Commission of Wood County was in receipt of the Approval of the Request for Revision to Approved Budget from the West Virginia State Auditor, Chief Inspector Division, Charleston, West Virginia, in regard to Revision No. 1 in the General County Fund budget for the fiscal year 2015/2016. Receipt of said Approval is pursuant to an Order appearing in Order Book 71, at Page 21 and bearing the date of July 27, 2015, at which time the Request for Revision was signed by Stephen Gainer, President of the Wood County Commission.

A copy of said Approval is attached to this Order and should be made a part thereof.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
\_\_\_\_\_  
Stephen Gainer, President

  
\_\_\_\_\_  
David Blair Couch, Commissioner

  
\_\_\_\_\_  
Robert K. Tebay, Commissioner





THE COUNTY OF WOOD  
OFFICE OF THE COUNTY CLERK  
P. O. Box 1474  
PARKERSBURG, WEST VIRGINIA 26102-1474

MARK RHODES  
COUNTY CLERK

PHONE: 304-424-1850


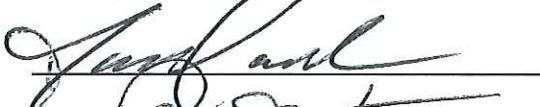

RESOLUTION

At a regular session of the county commission, held July 27, 2015 the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) for the County of Wood. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the General county budget be revised **PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS**, as shown on Fund 1 Budget Revision Number 1, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Robert K. Tebay and seconded by David Blair Couch, the vote thereon was as follows:

	<input checked="" type="radio"/> Yes	or	<input type="radio"/> No
	<input checked="" type="radio"/> Yes	or	<input type="radio"/> No
	<input checked="" type="radio"/> Yes	or	<input type="radio"/> No

WHEREUPON, Stephen Gainer, declared said resolution be, and the same is, hereby adopted as so stated above, and the President authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

Ora Ash, Director  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26302  
 Phone: 627-2415 ext. 5114  
 Fax: 627-2417

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER  
 FY: 2015-2016  
 Fund: 1  
 Rev. No. 1  
 Pg. of No. 1 of 1

Wood County Commission

GOVERNMENT ENTITY

7/27/15  
 7/1/86

Person To Contact Regarding Request:

Name: **Melody Ross**

Phone: **304-424-1854**

Fax: **304-424-1809**

P O Box 1474

STREET OR PO BOX

Parkersburg

26102

CITY

ZIP CODE

COUNTY

Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
298	Assigned Fund Balance		159,346		159,346
299	Unassigned Fund Balance	800,000		66,796	733,204
	#N/A				
	#N/A				
	#N/A				
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)**

92,550

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
401	County Commission	2,666,026	73,538		2,739,564
402	County Clerk	999,776	3,440		1,003,216
403	Circuit Clerk	731,755	268		732,023
405	Prosecuting Attorney	1,312,595	7,019		1,319,614
412	Agricultural Agent	147,462	133		147,595
424	Courthouse	446,071	2,543		448,614
428	Data Processing	97,000	7,655		104,655
460	County Clerk Operations		7,787		7,787
699	Contingencies	417,730		151,796	265,934
700	Sheriff-Law Enforcement	3,564,569	7,006		3,571,575
801	Mental Health	10,000	85,000		95,000
900	Parks & Recreation	333,468	49,957		383,425

**NET INCREASE/(DECREASE) Expenditures**

92,550

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Div.

Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

JULY 27, 2015

7/27/15  
21/86

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: PETITIONER THE PM COMPANY, BY THEIR ATTORNEY ROBERT FULL, PRESENTED A PETITION TO CLOSE A PORTION OF NINTH STREET (FORMERLY BERKELEY AVENUE), PARKERSBURG DISTRICT.

ORDER

On this date, came Petitioner, The PM Company, by their attorney Robert Full and presented to the County Commission of Wood County, a Petition to close a portion of Ninth Street (formerly Berkeley Avenue), Wood County, West Virginia, Parkersburg District.

It appearing proper to the County Commission of Wood County, upon a motion duly made by Robert K. Tebay, seconded by David Blair Couch and made unanimous by Stephen Gainer, the aforementioned Petition, along with a copy of the tax map reflecting the said unimproved and unused right-of-way, is hereby ORDERED filed and this matter is hereby set for hearing on the 31st<sup>th</sup> day of August, 2015 at 10:00 o'clock A.M. in Room 203 of the Wood County Courthouse, Parkersburg, West Virginia. The Petitioner shall cause Notice of said Public Hearing to be published and served as required by law.

APPROVED:

THE COUNTY COMMISSION OF WOOD COUNTY

  
Stephen Gainer, President

  
David Blair Couch, Commissioner

  
Robert K. Tebay, Commissioner

A/1494

7/27/15  
71/86

**IN THE COUNTY COMISSION OF WOOD COUNTY, WEST VIRGINIA**

**IN RE:       The Closure and Vacating of an Unused Portion of Ninth Street,  
              (Formerly Berkeley Avenue), Parkersburg District,  
              Wood County, West Virginia**

**APPLICATION**

Now comes The PM Company, a West Virginia corporation (formerly known as PM Management Company and herein referred to as "Applicant"), for its application pursuant to West Virginia Code Section 7-1-3h, to close and vacate the following described unused portion of Ninth Street (formerly Berkeley Avenue) located in Parkersburg District, Wood County, West Virginia, and says as follows:

1.       Applicant is the owner of certain real estate situate in Parkersburg District, Wood County, West Virginia bounded and described as follows:

BEGINNING at an iron rod (set) in the westerly right of way line of Kelly Lane, being the southeasterly corner of a 12,231 sq. ft. lot now or formerly owned by Sherman Dils III and Pamela Dils (Deed Book 1101, Page 333); thence with the westerly right of way line of said Kelly Lane, South 08 degrees 15 minutes West 123.51 feet to an iron rod (set) in the westerly right of way line of Kelly Lane and the northerly right of way line of 9<sup>th</sup> Street; thence with the northerly right of way line of 9<sup>th</sup> Street North 62 degrees 44 minutes West 178.30 feet to the Ohio River, passing iron rods (set) at 75.00 feet and at 163.3 feet; thence with the Ohio River (reference USA flowage easement, Deed Book 502, Page 24), North 04 degrees 44 minutes East 65.51 feet to a point being the southwesterly corner of the 12,231 sq. ft. lot now or formerly owned by Sherman Dils III and Pamela Dils (Deed Book 1101, Page 333); thence with the line of the 12,231 sq. ft. lot now or formerly owned by Sherman Dils III and Pamela Dils (Deed Book 1101, Page

333), South 81 degrees 45 minutes East 172.58 feet to the point of beginning, passing iron rods (set) at 15.05 feet and at 97.58 feet, and containing 16,050 square feet, more or less, as shown on a plat of survey dated April 21, 2006, made by Michael W. Pfalzgraf, P.S. No. 2074, attached as "Exhibit A" to the hereinafter referenced deed.

Being the same real estate conveyed unto Applicant by Christopher R. Campbell and Rita A. Campbell, husband and wife, by deed dated April 30, 2015, recorded in the Office of the Clerk of the County Commission of Wood County, West Virginia in Deed Book 1219, at Page 543.

A copy of the plat referenced in the above description and attached to the aforesaid deed is also attached hereto as "Exhibit A."

2. Applicant is also the owner of certain real estate situate in Parkersburg District, Wood County, West Virginia bounded and described as follows:

Being all of Lots Nos. 28, 29, 30 and 31 of Wolfe and Neal's Addition to Buena Vista, a plat of which said Addition is of record in the Office of the Clerk of the County Commission of Wood County, West Virginia, in Plat Book No. 2, at Page 22.

And an adjoining tract, more particularly described as follows:

Beginning at the southeast corner of Lot No. 28 of said Addition; thence South 7° 44' West 41.97 feet to a point; thence North 63° 30' West 293 feet, more or less, to the Ohio River, the aforesaid line being the old division line between the former farms of T.J. Cook and Hardin Neal; thence northerly with the meanders of the Ohio River 201 feet, more or less, to a point, which point would be in a southerly line of Ninth Street if extended; thence along said proposed southerly extension of Ninth Street South 63° 30' East 133 feet, more or less, to the northwesterly corner of Lot No. 31 of said Addition; thence along the westerly line of said Lot No. 31, 158.77 feet to the southwest corner of said Lot No. 31; thence 160 feet along the southerly line of Lots

Nos. 28 to 31, inclusive, to the southeasterly corner of Lot No. 28, being also the place of beginning, a plat of which said lots and tract prepared by A.L. Marshall, Surveyor, dated September 3, 1964, is recorded in the aforesaid Clerk's Office in Deed Book 496, at Page 199.

Being the same real estate conveyed unto Applicant (in its former name of PM Management Company) by Dale W. Hall and Yuvonne Hall, his wife, and Gale D. Hall and Opal Hall, his wife, by deed dated September 24, 1987, recorded in the aforesaid Clerk's Office in Deed Book 853, at Page 768.

The above referenced plat, of record in said Clerk's Office in Deed Book 496, at Page 199, is attached hereto as "Exhibit B."

3. The real estate described in paragraph 1 above is reflected as Parcel 16 on Map 141 of the Wood County Tax Maps for Parkersburg District, and the real estate described in paragraph 2 above is reflected as Parcels 19, 20, 21 and 22 on said Map 141, and all of said real estate is shaded blue on a copy of a portion of said map attached hereto as "Exhibit C." The unused portion of Ninth Street which is the subject of this Application, as reflected on said Tax Map, is shaded yellow on Exhibit C. Said unused portion of Ninth Street is further more particularly reflected on a plat of survey thereof by Michael W. Pfalzgraf, P.S. No. 2074, dated 7-7-15, a copy of which is attached as "Exhibit D," and is more particularly described by that certain Surveyor's Description of the said Michael W. Pfalzgraf, a copy of which is attached hereto as "Exhibit E."

Such portion of Ninth Street is abutted on the entire length of its northerly boundary by the real estate described in paragraph 1 hereof, is abutted on the entire length of its southerly boundary by the real estate described in paragraph 2 hereof, is bounded on the entire length of its westerly boundary by the Ohio River and on the entire length of its easterly boundary by another portion of Ninth Street which connects to Kelly Lane herein referenced and would be unaffected by this Application. Other than the property of the Applicant described in paragraphs 1 and 2 above, no other property abuts the portion of Ninth Street which is the subject of this Application, and there are no liens affecting said property of Applicant.

4. Ninth Street was formerly platted as Berkeley Avenue as reflected on the portions of the plats of Buena Vista Addition, which plat is of record in said Clerk's Office in Plat Book 1, at Page 29, and Wolfe and Neal's Addition to Buena Vista, which plat is of record in said Clerk's Office in Plat Book 2, at Page 22, attached hereto respectively as "Exhibit F" and "Exhibit G," and as such Berkeley Avenue ostensibly provided access to the individual lots reflected on said plats bounding Berkeley Avenue on its northerly and southerly boundaries, the necessity of which access through the portion of Berkeley Avenue which is the subject of this Application has been eliminated by the redivision of the subject lots in Buena Vista Addition as reflected by a portion of the plat of Thomas River Addition attached hereto as "Exhibit H," which plat is of record in said Clerk's Office in Plat Book 20, at Page 21, the development of Kelly Lane, and the common ownership in Applicant of the lots or portion of the lots bounding

the relevant portion of Berkeley Avenue the entire length of its northerly and southerly boundaries.

5. As reflected by Exhibits C and D, access to the real estate described in paragraphs 1 and 2 of this Application, as well as any other portion of the lots referenced in paragraph 4 to which access was provided by Berkeley Avenue, is provided by portions of Ninth Street which are not the subject of this Application and by Kelly Lane. The portion of Ninth Street reflected on Exhibit D and described on Exhibit F, if it were utilized as a road, street or way, would only provide additional access to Applicant's property described in paragraph 1 and 2 above and to no other properties.

6. The portion of Ninth Street which is the subject of this Application does not provide viable access to the Ohio River and no landing exists, or has existed since Applicant acquired ownership of the property described in paragraph 2 above in 1987 on or at the foot of Ninth Street at its intersection with the Ohio River. Nor does such portion of Ninth Street constitute a bridge or approach to a bridge.

7. Upon inquiry to personnel of the Division of Highways of the Department of Transportation of the State of West Virginia, the undersigned counsel is advised that the portion of Ninth Street which is the subject of this Application is not a part of the State Road system or orphan road system of the State of West Virginia.



8. Upon inquiry made on behalf of the Applicant to personnel of the City of Vienna, West Virginia, such personnel advised that no water or sewer lines of the City of Vienna are located in the portion of Ninth Street which is the subject of this Application. However, the location of storm water drains from that portion of Ninth Street located in the City of Vienna and property abutting the same to the Ohio River are unknown, although no plans exist which reflect location of the same in the portion of Ninth Street which is the subject of this Application. No other utility service or apparatus of any kind has been observed in the portion of Ninth Street which is the subject of this Application by Applicant since it acquired ownership to the real estate described in paragraph 2 herein in 1987 or is known by Applicant to exist in such area. Nevertheless, the closure and vacating of the portion of Ninth Street which is the subject of this Application should, in accordance with common practice, be subject to any and all easements and rights of way for utility purposes.

9. Since Applicant acquired the ownership of the real estate described in paragraph 2 hereof in 1987 no improvement has been made in any manner to the portion of Ninth Street which is the subject of this Application, nor has it been maintained or used or travelled to Applicant's observation as a road, street or way.

10. The portion of Ninth Street reflected on Exhibit D and described on Exhibit E is not situate in an incorporated town or city, is not part of the State Road system or orphan road system under the jurisdiction of the State of West Virginia, is not a bridge or bridge approach or public landing subject to the "superintendence and administration" of this

Commission pursuant to West Virginia Code Sections 17-10-1 *et seq.*, and there is no evidence known to Applicant that the same has been used either as a public or private road, street or way or that any public or private monies or labor have been provided for the maintenance of the same for more than ten (10) years, if ever. Accordingly, said portion of Ninth Street exists only as a paper road, street or way, the closure of which as herein requested will affect no interest, either public or private, other than Applicant's, is an "unused road, street, or other travel way designated on any map or plat of a subdivision of land or otherwise within [Wood County] but outside of incorporated towns or cities thereof," and as such is subject to the authority of this Commission to close the same pursuant to West Virginia Code Section 7-1-3h. See also discussion in *Ford v. Dickerson*, 222 W.Va. 61, 662 S.E.2d 503 (2008), a *per curiam* opinion, and authority cited therein.

WHEREFORE, Applicant respectfully requests that this Application be filed, that a time and place be fixed by this Commission for hearing on this Application upon publication of notice thereof by Applicant at a date and time to permit it such publication at least fifteen (15) days before such hearing, that this Commission enter an order closing and vacating the portion of Ninth Street reflected on Exhibit D and described on Exhibit E and cause a certified copy of such order be recorded in the aforesaid Clerk's Office, all pursuant to and in accordance with West Virginia Code Section 7-1-3h.

  
Attorney for Applicant

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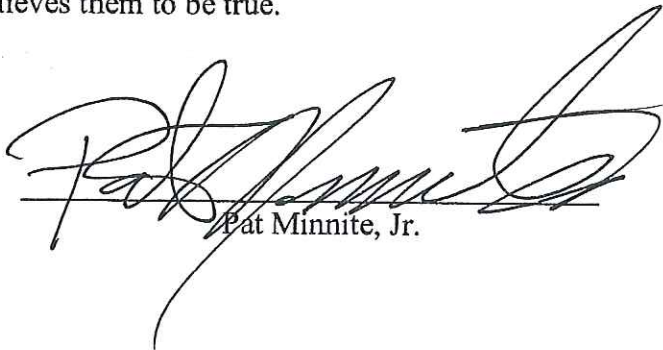
Robert W. Full (WV State Bar #4749)  
GOODWIN & GOODWIN, LLP  
Attorneys at Law  
Towne Square, 201 Third Street  
Parkersburg, WV 26101  
(304) 485-2345 – Telephone  
(304) 485-3459 – Facsimile

VERIFICATION

STATE OF WEST VIRGINIA,

COUNTY OF WOOD, to-wit:

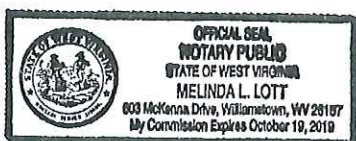
Pat Minnite, Jr., a credible person, President of The PM Company, a West Virginia corporation, formerly known as PM Management Company, being first duly sworn, says that he had read the foregoing Application and that he knows the contents thereof; that the facts and allegations therein contained are true, except such as are therein stated upon information and belief, and that as to such allegations he believes them to be true.

  
Pat Minnite, Jr.

Taken, subscribed and sworn to before me in Wood County, West Virginia, this  
21<sup>st</sup> day of July, 2015.

My commission expires: 10-19-19

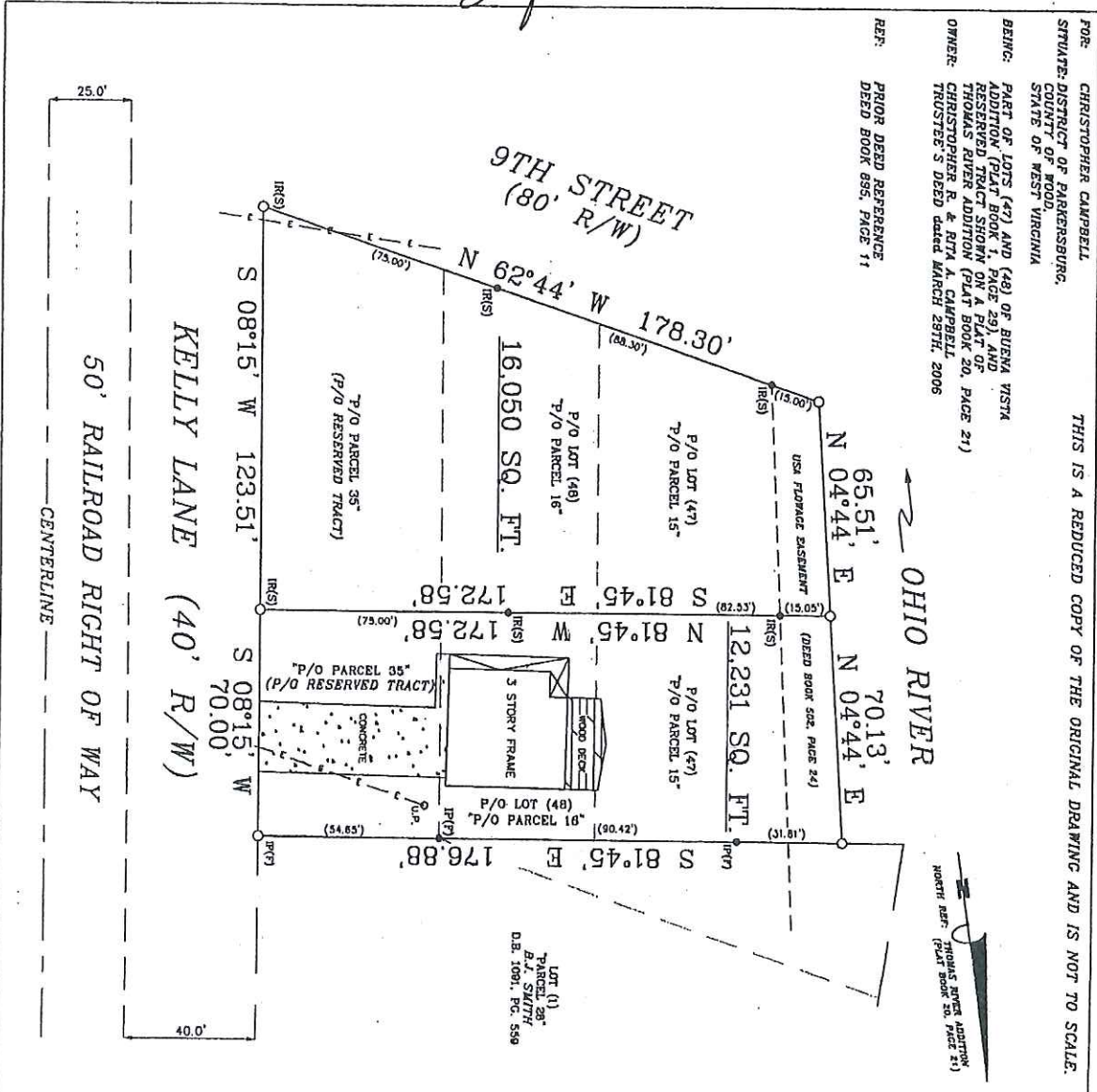
  
Notary Public



Mark Knoles  
 WOOD COUNTY 03:23:29 PM  
 Instrument No 8643613  
 Date Recorded 05/08/2015  
 Document Type DEED  
 Pages Recorded 5  
 Book Page 1223-543  
 Recording Fee \$10.00  
 Transfer Tax \$396.00  
 Additional \$25.00

APPROVED BY MARTY SEUFER, DIRECTOR  
 WOOD COUNTY PLANNING COMMISSION

DATE: May 8, 2015



THIS IS A REDUCED COPY OF THE ORIGINAL DRAWING AND IS NOT TO SCALE.

FOR: CHRISTOPHER CAMPBELL  
 STRIATE: DISTRICT OF PARKERSBURG,  
 STATE OF WEST VIRGINIA  
 BEING: PART OF LOTS (47) AND (48) OF BUENA VISTA  
 ADDITION (PLAT BOOK 1, PAGE 29) AND  
 RESERVED TRACT SHOWN ON A PLAT OF  
 THOMAS RIVER ADDITION (PLAT BOOK 20, PAGE 21)  
 OWNER: CHRISTOPHER R. & RITA A. CAMPBELL  
 TRUSTEE'S DEED DATED MARCH 29TH, 2006

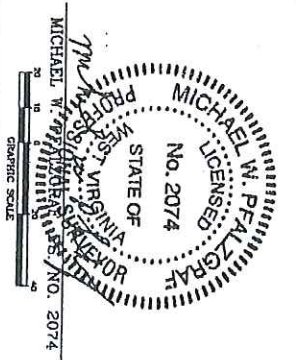
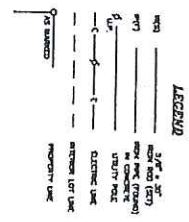
REF: PRIOR DEED REFERENCE  
 DEED BOOK 895, PAGE 11

OHIO RIVER

THOMAS RIVER ADDITION  
 PLAT BOOK 20, PAGE 21

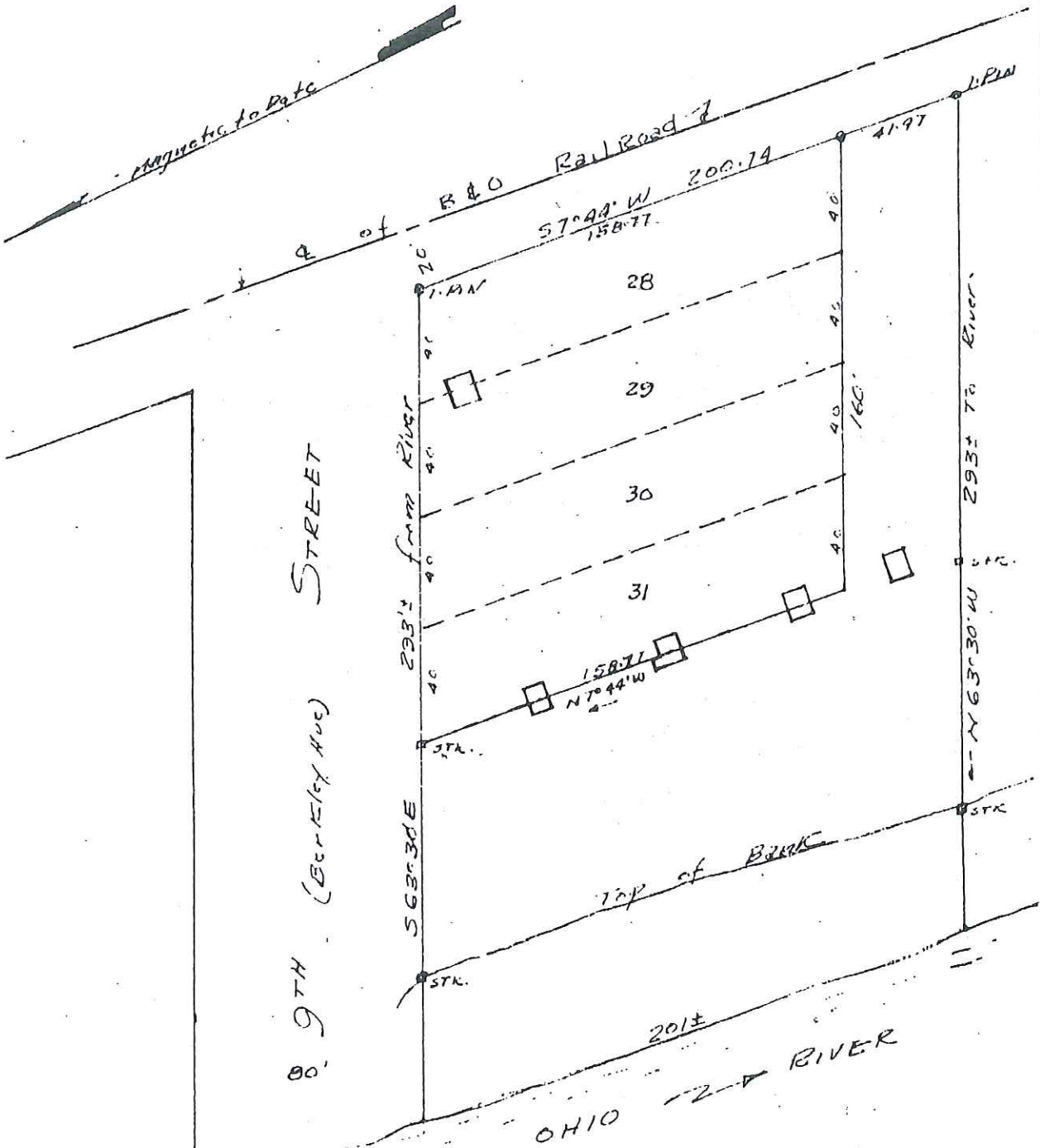
NOTE: THIS SURVEY MADE WITHOUT THE BENEFIT OF A LATERAL TITLE  
 SEARCH IN REGARD TO UTILITY LINES AND RIGHT-OF-WAY  
 BEFORE ANY CONSTRUCTION CONTRACT LESS UTILITY OF R.V.  
 81-800-26-4464 FOR THE LOCATION OF ANY UNRECORDED UTILITY LINES.  
 OBJECT TO ALL RIGHTS OF WAY, RESERVATIONS, RESTRICTIONS AND PROTECTIVE  
 COVENANTS, EASEMENTS, RIGHTS, CLAIMS, AND INTERESTS OF RECORD  
 IN THE CHAIN OF TITLE IN WOOD COUNTY.

FLOOD: INFORMATION shown has been taken  
 from the following data:  
 1. FLOOD INSURANCE RATE MAPS  
 2. FLOOD INSURANCE RATE MAPS  
 3. FLOOD INSURANCE RATE MAPS  
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 100. FLOOD INSURANCE RATE MAPS



BOUNDARY SURVEY  
 for CHRISTOPHER CAMPBELL  
 KELLY LANE  
 VIENNA, WEST VIRGINIA

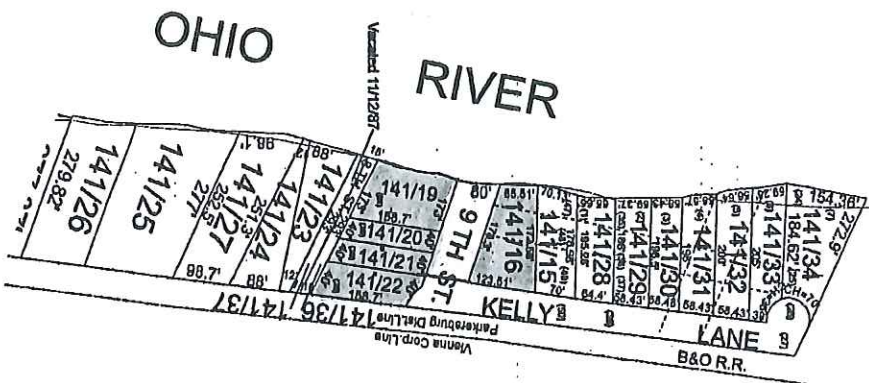
SCALE: 1"=50'	TAX MAP: 141	PROD. NO. 042140008
DATE: 4/21/08	PARCEL: ABOVE	DRAWN BY: T.A. GOODWIN
<b>PFALZGRAF SURVEYING</b>		
PROFESSIONAL LAND SURVEYING PARKERSBURG, WV 26101 MICHAEL W. PFALZGRAF, F.S. (304)588-6645		



SURVEY FOR  
 CHARLES E. FLAHERTY  
 Being All of Lots 28, 29, 30, 31 And  
 Adjoining Tract.  
 11/15/11

# EXHIBIT C

PARKERSBURG DISTRICT 141



Ohio 51		Ohio 141		Ohio 140		Ohio 47	
1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32
33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56
57	58	59	60	61	62	63	64
65	66	67	68	69	70	71	72
73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88
89	90	91	92	93	94	95	96
97	98	99	100	101	102	103	104
105	106	107	108	109	110	111	112
113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128
129	130	131	132	133	134	135	136
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169	170	171	172	173	174	175	176
177	178	179	180	181	182	183	184
185	186	187	188	189	190	191	192
193	194	195	196	197	198	199	200

WOOD COUNTY  
STATE OF WEST VIRGINIA  
Office of Assessor

District: PARKERSBURG DISTRICT 04  
SHEET NO. 141

FOR: THE PM COMPANY

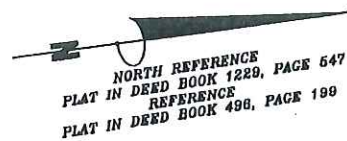
**EXHIBIT D**

**PLAT OF SURVEY**

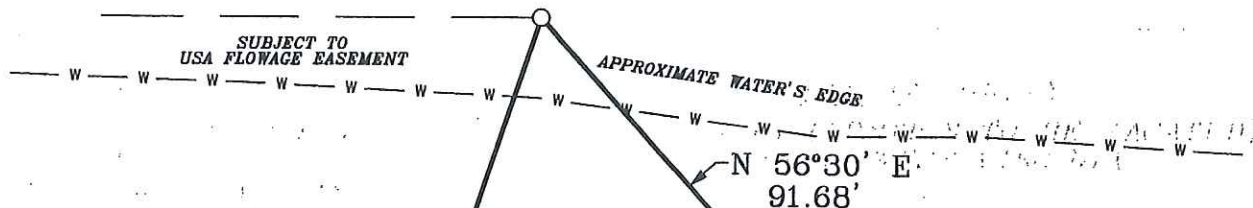
SITUATE: DISTRICT OF PARKERSBURG  
COUNTY OF WOOD  
STATE OF WEST VIRGINIA

9TH STREET (PORTION TO BE VACATED)  
VIENNA, WEST VIRGINIA

BEING: PORTION OF 9TH STREET  
(FORMERLY BERKELEY AVENUE)  
TO BE CLOSED AND VACATED



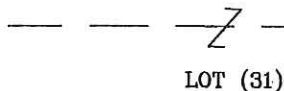
OHIO RIVER



PARCEL "19"

PM MANAGEMENT COMPANY  
DEED BOOK 853, PAGE 768

SUBJECT TO  
USA FLOWAGE EASEMENT



REFERENCE  
PLAT OF WOLFE AND NEAL'S ADDITION  
PLAT BOOK 2, PAGE 22  
SURVEY FOR CHARLES E. FLAHERTY  
PLAT IN DEED BOOK 498, PAGE 199

LOT (30)  
PARCEL "20"

LOT (29)  
PARCEL "21"

LOT (28)  
PARCEL "22"

17,158 SQUARE FEET  
9TH STREET  
(FORMERLY BERKELEY STREET)  
(80' R/W)

PARCEL "16"  
THE PM COMPANY  
DEED BOOK 1229, PAGE 543

REFERENCE  
PLAT OF BUENA VISTA ADDITION  
PLAT BOOK 1, PAGE 29  
PLAT OF THOMAS RIVER ADDITION  
PLAT BOOK 20, PAGE 21  
18,050 SQUARE FEET  
PLAT IN DEED BOOK 1229, PAGE 547

84.62'  
S 08°15' W

(103.30')  
S 62°44' E 178.30'

KELLY LANE (40' R/W)

PLAT BOOK 20, PAGE 21

CSX

CENTERLINE

50' RAILROAD RIGHT OF WAY

GRAND CENTRAL AVENUE  
9TH STREET (80' R/W)



LEGEND



EXHIBIT E

PFALZGRF SURVEYING  
Michael W. Pfalzgraf, P.S.

Phone: 304-588-6645

---

SURVEYOR'S DESCRIPTION  
**PORTION OF 9<sup>TH</sup> STREET (BERKELEY AVENUE)**  
**TO BE CLOSED AND VACATED**  
**VIENNA, WEST VIRGINIA**

SITUATE IN THE DISTRICT OF PARKERSBURG, COUNTY OF WOOD, STATE OF WEST VIRGINIA, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF 9<sup>TH</sup> STREET (BERKELEY AVENUE) WITH THE WESTERLY RIGHT OF WAY LINE OF KELLY LANE (THOMAS RIVER ADDITION PLAT BOOK 20, PAGE 21), AND BEING THE SOUTHEASTERLY CORNER OF THE PM COMPANY (DEED BOOK 1229, PAGE 543).

THENCE: WITH THE EXTENSION OF THE WESTERLY RIGHT OF WAY LINE OF SAID KELLY LANE CROSSING SAID 9<sup>TH</sup> STREET RIGHT OF WAY, SOUTH 08 degrees 15 minutes WEST 84.62 FEET,

THENCE: WITH THE NORTHERLY LINE OF THE PM MANAGEMENT COMPANY (DEED BOOK 853, PAGE 768, PLAT IN DEED BOOK 496, AT PAGE 199) THE SOUTHERLY RIGHT OF WAY LINE OF SAID 9<sup>TH</sup> STREET, NORTH 62 degrees 44 minutes WEST 250.64 FEET,

THENCE: WITH THE OHIO RIVER THE WESTERLY TERMINOUS OF SAID 9<sup>TH</sup> STREET, NORTH 56 degrees 30 minutes EAST 91.68 FEET,

THENCE: WITH THE SOUTHERLY LINE OF SAID PM COMPANY THE NORTHERLY RIGHT OF WAY LINE OF SAID 9<sup>TH</sup> STREET, SOUTH 62 degrees 44 minutes EAST 178.30 FEET TO THE POINT OF BEGINNING AND CONTAINING **17,158 SQUARE FEET** MORE OR LESS, AS SHOWN ON AN ATTACHED PLAT OF SURVEY BY PFALZGRAF SURVEYING, DATED JULY 7, 2015.

BEING AN UNUSED PORTION OF 9<sup>TH</sup> STREET PLATTED AS BERKELEY AVENUE AS SHOWN ON PLAT OF BUENA VISTA ADDITION (PLAT BOOK 1, PAGE 29) AND PLAT OF WOLFE AND NEAL'S ADDITION (PLAT BOOK 2, PAGE 22).

SUBJECT TO ALL RIGHTS OF WAY, RESERVATIONS, RESTRICTIVE AND PROTECTIVE COVENANTS, UTILITY EASEMENTS, AND OIL AND GAS, AND MINERAL LEASES OF RECORD IN THE CHAIN OF TITLE IN WOOD COUNTY.

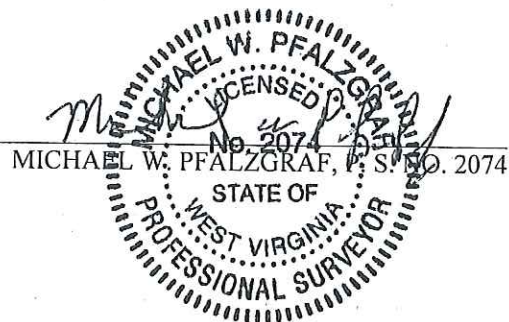
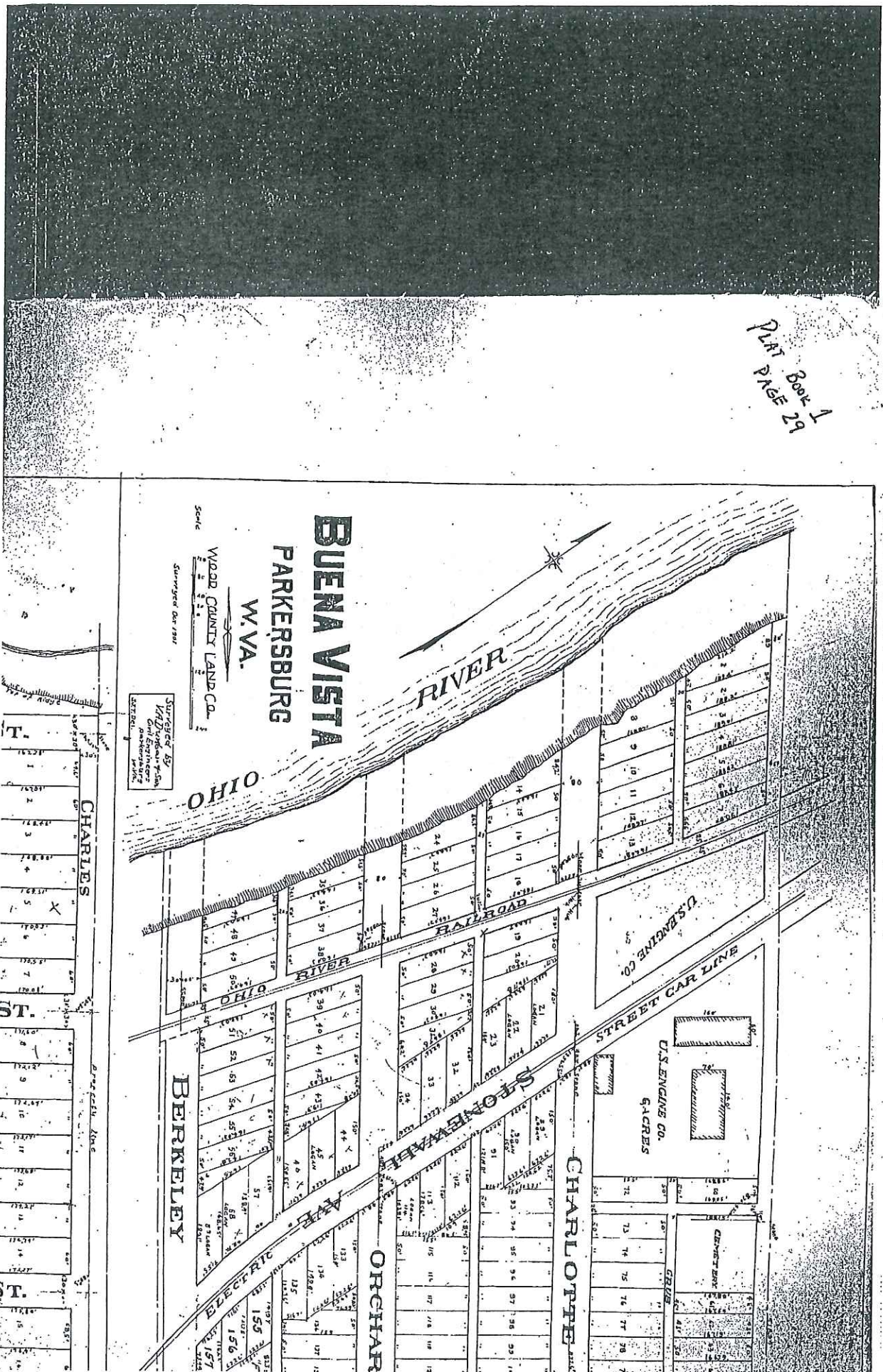
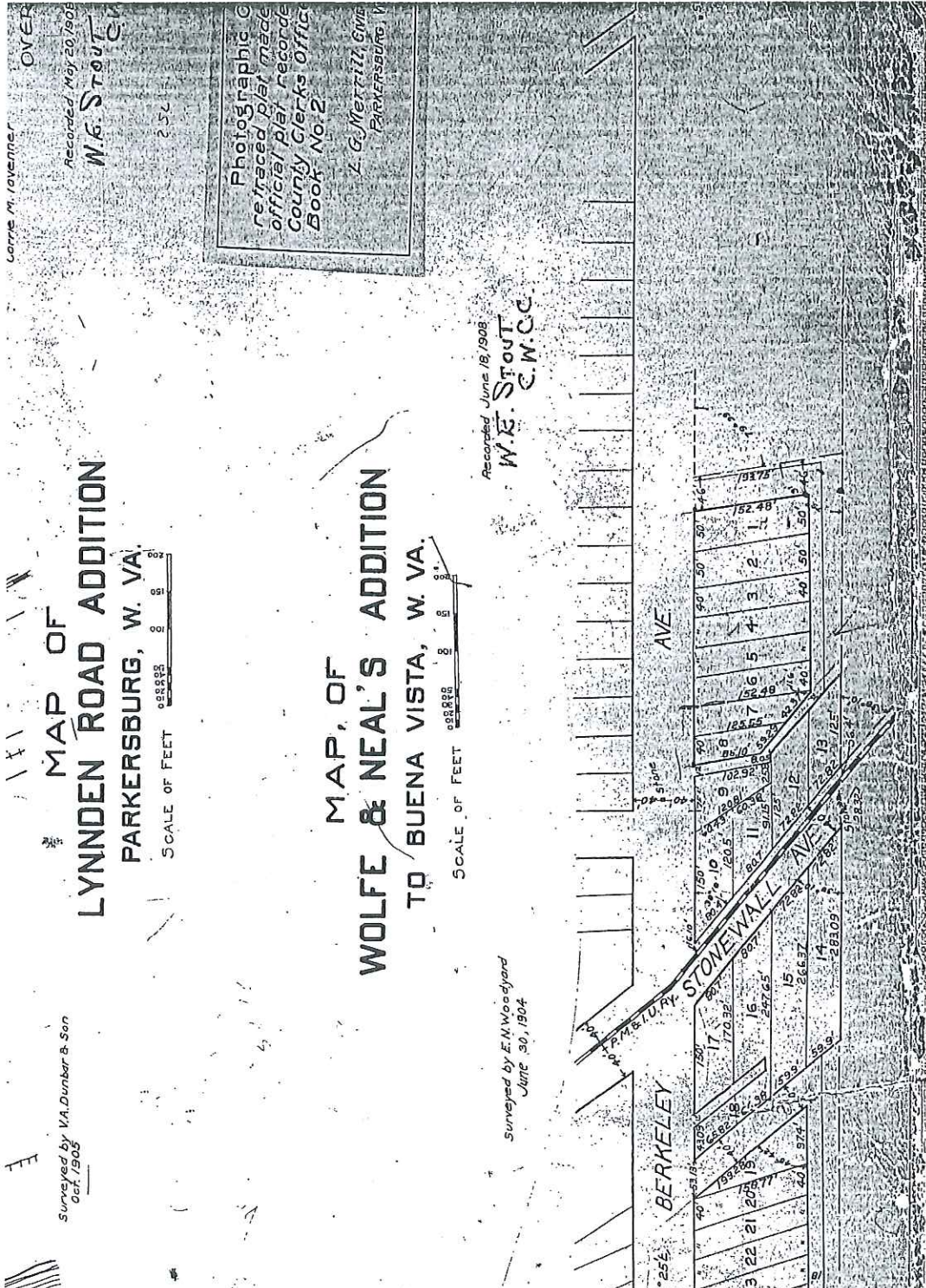


EXHIBIT F

PLAT Book A  
PAGE 29





**MAP OF  
LYNNDEN ROAD ADDITION  
PARKERSBURG, W. VA.**

SCALE OF FEET

**MAP, OF  
WOLFE & NEAL'S ADDITION  
TO BUENA VISTA, W. VA.**

SCALE OF FEET

Recorded June 18, 1908  
W.E. STOUT  
C.W.C.C.

Surveyed by E.H. Woodlyard  
June 30, 1904

Photographic  
re-traced plat made  
official plat records  
County Clerks Office  
Book No 2  
L. G. Jetter, Jr., Civil  
Engineer, Parkersburg, W. Va.

Carrie M. Towner  
OVER  
Recorded May 20, 1908  
W.E. STOUT  
C.W.C.C.

Surveyed by V.A. Dunbar & Son  
Oct. 1905

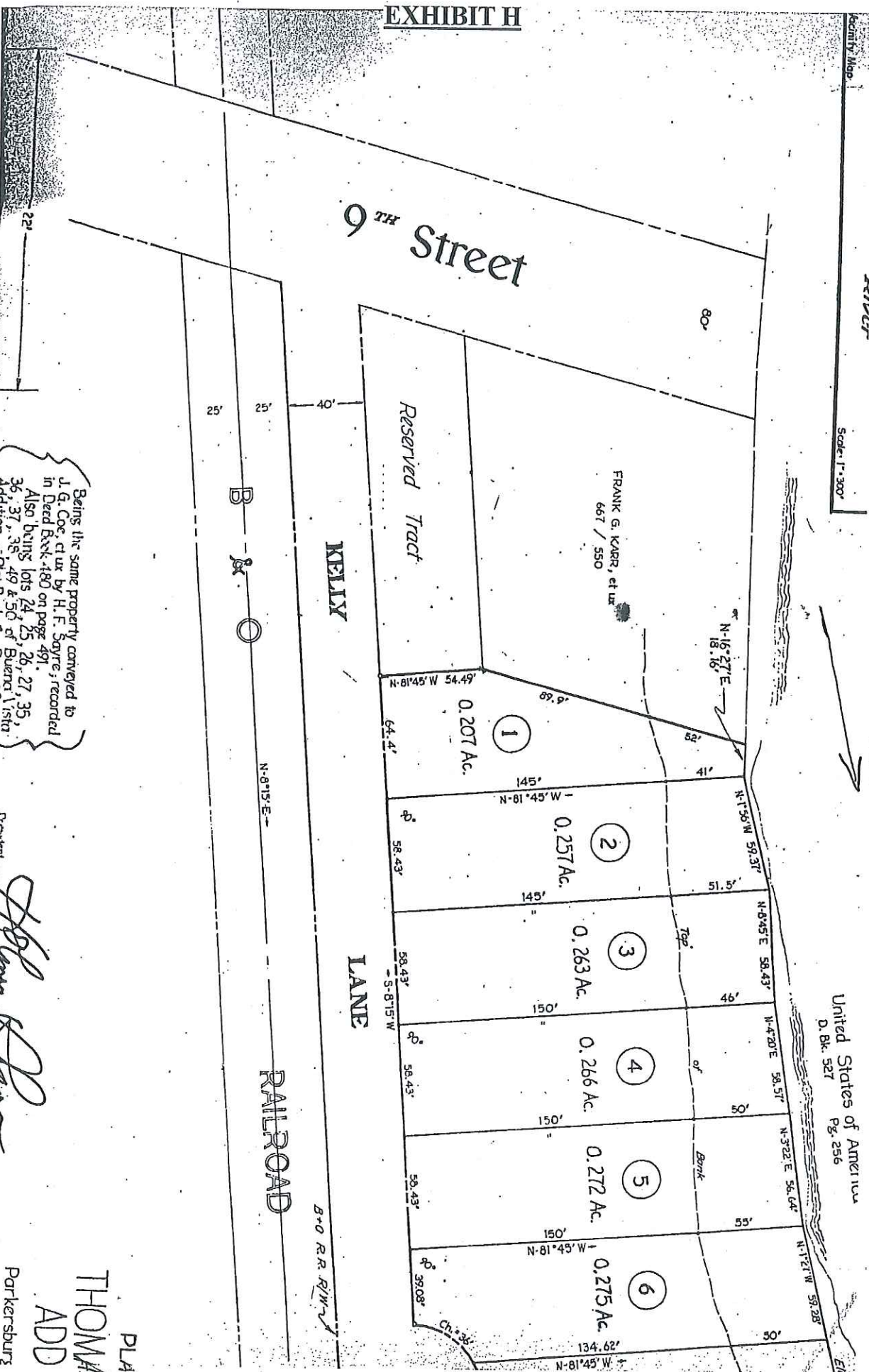
**EXHIBIT H**

SECURITY MAP

Scale 1" = 300'

United States of America  
D. Bk. 527  
Pg. 256

2/12/11



Being the same property conveyed to J. G. Coe et ux by H. F. Soyre, recorded in Deed Book 4180 on page 491. Also being lots 24, 25, 26, 27, 35, 36, 37, 38, 49 & 50 of Buena Vista Addition - Plat Book of Deeds 2.

President  
*Thomas Rose*

PLAT OF  
**THOMAS ROSE**  
ADD  
Parkersburg  
March 18  
Scale: 1" = 41'  
ADD 5

# Check Register Report for Wood County Commission

Check No	Vendor Id	Vendor Name	Type	Check Date	Check Amount	Rec
158528	DOG	DOG FUND	REGULAR	07/22/2015	1,000.00	

GENERAL FUND Bank Id 101 Totals 1,000.00

Report Totals 1,000.00

Two handwritten signatures in black ink are located at the bottom center of the page. The signature on the left is more fluid and cursive, while the one on the right is more blocky and stylized.