

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
MONDAY, DECEMBER 6, 1994

PRESENT: HOLMES R. SHAVER, PRESIDENT
JEAN GRAPES, COMMISSIONER
STEVEN A. GRIMM, COMMISSIONER

On this date, the County Commission met in regular session. They signed purchase orders, invoices and other correspondence.

On this date, the County Commission approved an Exoneration for Baltimore & Ohio Railroad Company and a Personal Property Improper for Jay Moralan.

At 9:30 A.M., the County Commission held a hearing in regard to the closing and vacating of the Southerly and Northerly Twenty feet of Thirty-Seventh Street from Olive Street to Murdoch Avenue and three alleys lying between Thirty-Seventh Street, Thirty-Ninth Street, Olive Street and Murdoch Avenue. This hearing was held over from November 29, 1993. Commissioner Grimm made a motion to accept the Petition to close said property. President Shaver disqualified himself from voting. Commissioner Grimm's motion failed for lack of a second. Commissioner Grapes made a motion to accept petition with restrictions not to build. Commissioner Grapes' motion failed for lack of a second. Upon a motion duly made, seconded and passed, the County Commission adjourned this hearing until 3:00 P.M. on this date, however if no agreement or solution is made, it will be continued until Thursday, December 9, 1993 at 10:00 A.M. Those in attendance were William Crichton, Lawrence Ronning, Hannah Nestor, Michele Rusen, William Parrish, Jamie Six and Sam Henry. (See Page Three of Minutes)

At 10:00 A.M., the County Commission held a hearing for Donald N. Brown, alleged Mentally Retarded. Attorney was J.D. Beane. Guardian Ad Litem was Thomas Zimmerman. Affidavits were received from Dr. Holly Maynard and Dr. Carlos Vega. Upon a motion made by Steven A. Grimm, seconded by Jean Grapes

and made unanimous by Holmes R. Shaver declared Donald N. Brown Mentally Retarded. The County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and made unanimous by Holmes R. Shaver appointed Donald G. & Virginia M. Brown (parents) as Co-Guardians for Donald N. Brown with Standby Guardians being Andre G. Brown and Melanie S. Brown, (brother and sister) with a property bond in the amount of \$100.00.

At 10:30 A.M., the County Commission met with Toni Tiano, Grant Consultant, Kurt Klettner and Bridget Reger, Counselors. Upon a motion made by Steven A. Grimm, seconded by Jean Grapes and passed, the County Commission authorized Holmes R. Shaver, as President to enter into an Agreement with Mr. Klettner, a Certified Addictions Counselor. The term of said Agreement will be retroactive to August 1, 1993 for the purpose of compensation, and will continue through July 31, 1994. Execution of said Agreement will provide counseling services through the Adult Probation Office and the Wood County Correctional Center for adult offenders who have drug and/or alcohol abuse substance problems. Funding for the continuation of such programs is through the Drug Control and System Improvement Grant No. 93-DC-070. Counseling services provided by Mr. Klettner are not to exceed twenty-two hours per week individually or jointly with any other counselor for a period of fifty weeks. Of the said twenty-two hours per week, sixteen hours shall be spent at the Adult Probation Office and six hours shall be spent at the Wood county Correctional Center. Either party may terminate the Agreement for just cause upon a thirty day written notice given by one party to the other. An Order was prepared regarding this matter.

Also, at this time, the County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and passed, authorized Holmes R. Shaver, as President to enter into an Agreement with Bridget S. Reger, a Counselor. The term of said Agreement is for the period beginning December 1, 1993 and

continuing through July 31, 1994. Execution of said Agreement will provide counseling services through the Adult Probation Office and the Wood County Correctional Center for adult offenders who have drug and/or alcohol abuse substance problems. The remainder of said Grant is the same as Mr. Klettner's. An Order was prepared regarding this matter.

Also at this time, the County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and passed, authorized Holmes R. Shaver, as President, to sign a Proclamation which does hereby proclaim the month of December, 1993 at the National Drunk and Drugged Driving Prevention Month in Wood County, West Virginia. An Order was prepared regarding this matter.

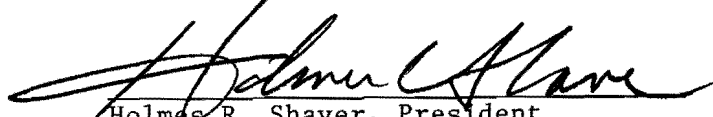
At 3:30 P.M., the County Commission met again to further discuss the hearing held at 9:30 A.M. on this same date. The County Commission upon a motion duly made, seconded and passed approved two Petitions. The Orders that were prepared regarding these matters are attached to these minutes.

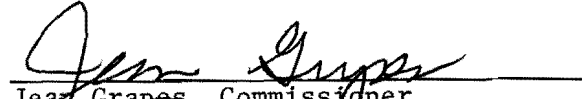
On this date, the County Commission was in receipt of the Answer from the respondent by counsel, Gretchen A. Murphy, Assistant Attorney General, in regard to Claim No. CC-93-381, Wood County Commission v. West Virginia Division of Corrections. The said Answer states that no funds are remaining in the fiscal year beginning July 1, 1992 through June 30, 1993 in the Respondent's appropriations from which the obligations set forth in Wood County's Notice of Claim could have been paid. The receipt of said Answer is pursuant to an Order bearing the date of October 28, 1993 at which time the Notice of Claim was signed by Holmes R. Shaver, President, in which was requested reimbursement in the amount of \$58,925.00. An Order was prepared regarding this matter.

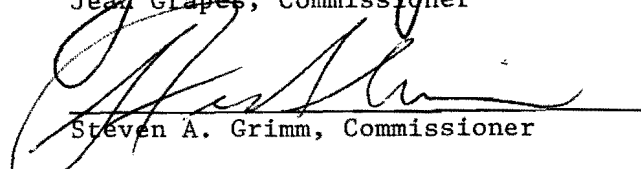
Having no further scheduled appointments or business to attend to, the County Commission adjourned at 4:00 P.M.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY


Holmes R. Shaver, President


Jean Grapes, Commissioner


Steven A. Grimm, Commissioner

PURCHASE ORDERS SIGNED ON DECEMBER 6, 1993

No. 17778	Bernhardt's	\$ 913.65
17934	Wharton Cadillac/Olds	50.60
18033	Parkersburg Office Supply	28.42
18048	Easton Printing	37.85
18067	Viking Office Products	50.41
18076	Parkersburg Office Supply	107.53
18082	Autoworks	89.82
18090	Gainer Distributing	61.95
18105	Broadwaters Motorcar	12.86
18106	Broadwaters Motorcar	20.74
18107	Broadwaters Motorcar	7.62
18108	Commercial Bank (VISA)	468.51
18117	Parkersburg Office Supply	149.91
18119	Parkersburg Office Supply	426.30
18120	BSSI	889.00
18121	IBM Direct	750.00
18122	Parkersburg Office Supply	128.25
18124	CWS	429.00
18133	Casto & Harris	5850.00
18137	Graphic Communications	115.00

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: CLOSING AND VACATING THE NORTHERLY TWENTY (20') FEET OF THIRTY-SEVENTH STREET (FORMERLY JACKSON AVENUE) FROM OLIVE STREET (FORMERLY POPLAR STREET) TO MURDOCH AVENUE, AND THREE ALLEYS LYING BETWEEN THIRTY-SEVENTH STREET ON THE SOUTH, THIRTY-NINTH STREET (FORMERLY KENDALL AVENUE) ON THE NORTH, OLIVE STREET (FORMERLY POPLAR STREET) ON THE WEST, AND MURDOCH AVENUE ON THE EAST, (EXCEPTING THE ALLEY EXTENDING FROM 39TH STREET SOUTHERLY ALONG THE EASTERLY LINE OF LOT NO. 11 OF WENTZ & GANGWER'S CRYSTAL SPRINGS ADDITION, PLAT BOOK 1, PAGE 34, AND EXCEPTING THAT PORTION OF THE ALLEY EXTENDING FROM THE WESTERLY LINE OF LOT NO. 15 OF SAID ADDITION IN A WESTERLY DIRECTION TO THE WESTERLY LINE OF LOT NO. 7 OF SAID ADDITION) ALL IN PARKERSBURG DISTRICT, WOOD COUNTY, WEST VIRGINIA.

O R D E R

On the 29th day of November, 1993, at 10:00 A.M., came PAT MINNITE, President of the PM Company, PAT MINNITE, III, and ROBERT J. BOBIER, in person and by their attorney, LAWRENCE M. RONNING, pursuant to an Order heretofore entered setting this matter for hearing.

And it appearing to the Court from the exhibits filed, that the Petitioner has caused to be served upon the owners and lienholders of property abutting the street and alleys, portions of which are sought to be closed, at least fifteen (15) days prior to this hearing, a Notice showing the time, place and purpose of such hearing, and that Applicants have caused a Notice of the time and place of such hearing to be published as a Class II legal advertisement the same having been published in The Parkersburg

News, a newspaper published regularly in Wood County, West Virginia, which said publication appeared on the 27th day of October, 1993, and the 3rd day of November, 1993, all of which appears by an affidavit of publication, which said affidavit of publication and the notice and returns of service thereof are hereby ORDERED filed.

After due consideration of the Application, the exhibits and testimony of witnesses, the Commission then continued the hearing to Monday, December 6, 1993, at 9:30 A.M. to consider the matter and further continued the hearing until 3:30 P.M. on December 6, 1993.

The Commission does find that the Applicants and persons and firms served with Notice of this hearing are all the owners and lienholders of the property abutting upon the street and alleys, portions of which are sought to be closed.

The Court does further affirmatively find that so much of said street and alleys as are now sought to be closed, that being the northerly twenty (20') feet of thirty-seventh street (formerly Jackson Avenue) from Olive Street (formerly Poplar Street) to Murdoch Avenue, and three alleys lying between thirty-seventh street on the south, thirty-ninth street (formerly Kendall Avenue) on the north, Olive Street (formerly Poplar Street) on the west, and Murdoch Avenue on the east, (excepting the alley extending from 39th Street southerly along the easterly line of Lot No. 11 of Wentz & Gangwer's Crystal Springs Addition, Plat

Book 1, Page 34, and excepting that portion of the alley extending from the westerly line of Lot No. 15 of said Addition in a westerly direction to the westerly line of Lot No. 7 of said Addition) all in Parkersburg District, Wood County, West Virginia, are unused portions of a street and alleys, not open and subject to public use, and that the use and rights of no persons, firms or corporations in such portion of said street and alleys will be impaired or lost by the closing and vacation thereof.

It is accordingly ORDERED as follows:

1. That the northerly twenty (20') feet of Thirty-seventh Street (formerly Jackson Avenue) from Olive Street (formerly Poplar Street) to Murdoch Avenue, and three alleys lying between Thirty-seventh Street on the south, Thirty-ninth Street (formerly Kendall Avenue) on the north, Olive Street (formerly Poplar Street) on the west, and Murdoch Avenue on the east, (excepting the alley extending from 39th Street southerly along the easterly line of Lot No. 11 of Wentz & Gangwer's Crystal Springs Addition, Plat Book 1, Page 34, and excepting that portion of the alley extending from the westerly line of Lot No. 15 of said Addition in a westerly direction to the westerly line of Lot No. 7 of said Addition) situate in the District of Parkersburg, Wood County, West Virginia, be, and the same are hereby closed and vacated as a street, alleys, and public ways,

subject, however, to the restriction that no permanent buildings shall be constructed upon the portion of 37th Street hereby closed and vacated, and further subject to such rights of way or easements, if any, to public utilities heretofore created by grant or reservation, over, across or under the closed and vacated portions of said street and alleys.

2. That a copy of this Order be certified by the Clerk of this Court for entry in the Office of the Clerk of the County Commission of Wood County, West Virginia, pursuant to Chapter 7, Article 1, Section 3(h) of the Code of West Virginia of 1931, as amended.

3. That the President of the Commission be, and is hereby, authorized and directed to sign and deliver to the several property owners all of the right, title and interest of the public and this commission in and to the portions of said street alleys abutting their respective properties.

Dated this _____ day of December, 1993.

ENTER:

COUNTY COMMISSION OF WOOD COUNTY,
WEST VIRGINIA

By _____
President

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: CLOSING AND VACATING THE SOUTHERLY TWENTY (20') FEET OF THIRTY-SEVENTH STREET (FORMERLY JACKSON AVENUE) FROM OLIVE STREET (FORMERLY POPLAR STREET) TO MURDOCH AVENUE, IN PARKERSBURG DISTRICT, WOOD COUNTY, WEST VIRGINIA.

O R D E R

On the 29th day of November, 1993, at 10:00 A.M., came WILLIAM THOMAS NESTOR, in person and by his attorney, WILLIAM CRICHTON, pursuant to an Order heretofore entered setting this matter for hearing. Following the presentation of evidence on November 29, 1993, this matter was adjourned to December 6, 1993, at 9:30 A.M. On December 6, 1993, came William Thomas Nestor by his attorney, William Crichton, for further hearing upon this matter. After discussion, this matter was again adjourned until December 6, 1993, at 3:30 P.M. On December 6, 1993, came William Thomas Nestor by his attorney, William Crichton, for further hearing herein.

And it appearing to the Court from the exhibits filed, that the Petitioner has caused to be served upon the owners and lienholders of property abutting the street, portions of which are sought to be closed, at least fifteen (15) days prior to the first scheduled hearing, a Notice showing the time, place and purpose of such hearing, and that Applicants have caused a Notice showing the time, place and purpose of such hearing, and that Applicants have caused a Notice of the time and place of such hearing to be published as a Class II legal advertisement

the same having been published in The Parkersburg News, a newspaper published regularly in Wood County, West Virginia, which said publication appeared on the 27th day of October, 1993, and the 3rd day of November, 1993, all of which appears by an affidavit of publication, which said affidavit of publication and the notice and returns of service thereof are hereby ORDERED filed.

After due consideration of the Application, the exhibits and testimony of witnesses, the Commission does find that the Applicants and persons and firms served with Notice of such hearing are all other owners and lienholders of the property abutting upon the street, portions of which are sought to be closed.

The Court does further affirmatively find that so much of said street as is now sought to be closed, that being the southerly twenty (20') feet of thirty-seventh street (formerly Jackson Avenue) from Olive Street (formerly Poplar Street) to Murdoch Avenue, in Parkersburg District, Wood County, West Virginia, are unused portions of a street, not open and subject to public use, and that the use and rights of no persons, firms or corporations in such portion of said street will be impaired or lost by the closing and vacation thereof.

It is accordingly ORDERED as follows:

1. That the southerly 'twenty (20') feet of thirty-seventh street (formerly Jackson Avenue) from Olive Street (formerly Poplar Street) to Murdoch Avenue, situate in the District of

Parkersburg, Wood County, West Virginia, be, and the same is hereby closed and vacated as a street and public way, subject, however, to such rights of way or easements, if any, to public utilities heretofore created by grant or reservation, over, across or under said unused street.

2. That no buildings may be permitted on any portion of the street closed hereby and the Deeds of conveyance authorized herein shall contain restrictive covenants to such effect.

3. That a copy of this Order be certified by the Clerk of this Court for entry in the Office of the Clerk of the County Commission of Wood County, West Virginia, pursuant to Chapter 7, Article 1, Section 3(h) of the Code of West Virginia of 1931, as amended.

4. That the President of the Commission be, and is hereby, authorized and directed to sign and deliver to the several property owners all of the right, title and interests of the public and this commission in and to the portions of said street abutting their respective properties.

Dated this ____ day of _____, 1993.

ENTER:

COUNTY COMMISSION OF WOOD COUNTY,
WEST VIRGINIA

By _____
President