

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
MONDAY, OCTOBER 2, 1995

PRESENT: JEAN GRAPES, PRESIDENT
STEVEN A. GRIMM, COMMISSIONER
HOLMES R. SHAVER, 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 Exonerations for Ernest E. & Ruth M. Fleming - Lubeck District (1994 and 1995).

On this date, the County Commission approved Personal Property Improvers for Roy Trembly, Jr. - Clay District (1995); West Virginia Electronic SVCS - Vienna District (1995); Susan Mathers - Slate District (1995); Rickie L. & Patty D. Sutton - Union District (1995); and Gregory A. & Jeanne Rejonis - Lubeck District (1994).

At 10:00 A.M., the County Commission held a hearing in regard to the closing of James Landing in Waverly District. Attorney Thomas Zimmerman was present. Mr. Zimmerman represents Ken Corbitt and stated that they want to close approximately one acre at the mouth of a private lane (Corbitt Road extended) at the Ohio River in Waverly. Mr. Zimmerman presented documents from 1865 in regard to the property being owned by Robert S. Corbitt, which was taken by eminent domain, in 1876 a court hearing was held in regard to the value of the land and he was paid \$233.00; there was a petition to establish a landing. Kenneth Corbitt stated that his great grandfather was Robert S. Corbitt. Mr. Zimmerman presented a copy of the will of Robert Corbitt. Mr. Corbitt stated that he is familiar with lot No. 2 which was given to Euphas Corbitt, he is

familiar with this land because he and his father have walked it many times since he was young and that he (Ken Corbitt) is the owner; Euphas was his grandfather, Lillian Corbitt was his grandmother; Pauline and Gordon Page Corbitt were his mother and father; he is the repository of the business records of the family in respect to this property; it is his desire that this landing be vacated and closed and knows of no one whose vested rights would be damaged by this. Commissioner Grapes stated when she read the wills she noticed that the County Commission owned a certain tract that was reserved out of the will and would like someone to help her find it. Mr. Zimmerman stated that they would have to review the wills to find it. Commissioner Grapes stated they have received an objection and would like for counsel for that person to speak. Attorney Howard Seuffer referred to paragraphs five and six in the petition which contains a recital that Daniel R. Graham and Ronald J. & Rita Mullenix are holders and owners of property adjacent to the subject here today; they are present; they would hope that the situation remains as it is; the documents before the Commission are very old and difficult to read and interpret. Bill Corbitt stated that he lives about one thousand feet from the area being discussed today; he has lived there for seventy-five years; the last time anyone used it for shipping grains or commodities etc. has been about 35-40 years, besides the State road using it to unload gravel; the area has never been paved, it may have been graveled by the State about forty years ago. Discussion took place. Carole Jones, Wood County Circuit Clerk stated she does have records that go back to the 1800's. Michele

Rusen, Prosecuting Attorney asked Mr. Zimmerman if he was asking the County Commission to deed over this lot. Mr. Zimmerman asked that they vacate and close James Landing. Commissioner Grapes stated that in the will it is referred to as a lot, not as a right of way or a usage. Ms. Rusen stated that this is not the proper forum to determine who owns the property. Mr. Zimmerman agreed. Mr. Zimmerman stated that they could appeal in Circuit Court to determine fee verses right of way. Carole Jones stated her records showed a case in which R.S. Corbitt was the Defendant and Wood County Court was listed as the Plaintiff, it was law case 397 and the year shown was 1885; the records previous to 1884 were sent to West Virginia University in 1949 to be cataloged. Commissioner Grapes asked for dates of when the County maps began to show this as an actual lot. Jamie Six, Wood County Clerk stated that he is the keeper of records for the County Commission; he and his employees were unable to find any records that Mr. Zimmerman does not have. Commissioner Grapes asked if there was anyone else wanting to object. Charles Travis, Chief of the Waverly Fire Department asked the Commission to preserve them the right of way so that they might have access to the river for emergencies; they have used the entrance twice in the last several years to remove an injured patient from the river and to get water for a burning building; there is a witness present that will attest to this. Said witness (name is inaudible on tape) stated that they used a portable pump to get water from the river for the burning building and they had to get to an injured teen on the beach area. Another witness (no name given) agreed. More discussion in regard

to the use of the landing by the Fire Department. Commissioner Grapes stated she had a call from Scott Morris from the Department of Natural Resources and stated they were interested in some sort of landing that would help the fire department. Due to the fact that Mr. Zimmerman would like to clear up some issues and on the recommendation of Michele Rusen, Commissioner Shaver moved that this be continued for a minimum of thirty days, Steven A. Grimm seconded said motion and Jean Grapes made it unanimous. The County Commission asked the Mapping Office to determine when the lot first appeared known as James Landing. The hearing date was set for October 26, 1995 at 10:00 A.M.

At 3:00 P.M., the County Commission met with Karen Brady, one of the developers of Dogwood Subdivision. Mrs. Brady would like to know what type of document she needs to present to the Planning Commission for their approval once the road is passed to get the bond released. Mary R. Rader, Director of the Planning Commission stated that she answered this the other day. Mrs. Brady stated that she (Rader) instructed her to write a letter and she doesn't know how to start it and she would like guidance on how to do that. Ms. Rader stated that in the past when the developer has had the final inspection, then that developer writes a letter to the Planning Commission requesting that the bond be released, the Planning Commission acts upon that and makes a recommendation to the County Commission who releases the bond because the bond runs through the County Commission and all the letter needs to say is please release the bond. Jean Grapes stated that is if the final inspection has

been made and the inspector agrees with that. Gail Hartshorn, Inspector has been down there several times and stated that he can't make the inspection until it is completed. A resident from Dogwood Subdivision asked if the road is 22 feet wide, is that driveable 22 feet or ditch to ditch 22 feet wide. Mary Rader stated the width of the improvement should be 22 feet from this end to this end from the gravel, concrete or asphalt. The resident from Dogwood stated that it has been measured and it is not driveable 22 feet. Karen Brady stated that it is Gail's job to take care of that, it has to be that way or he will not approve the road. Mr. Hartshorn stated that basically it is 22 feet. The resident from Dogwood Subdivision stated that they measured last night and found several spots that weren't 22 feet, one spot was 19 1/2 feet. Commissioner Grapes asked Mr. Hartshorn to look at the places that the resident spoke of. More discussion took place. Assistant Prosecuting Attorney Steven Compton was present at this meeting. Mr. Hartshorn asked about the erosion paperwork. Mr. Compton spoke to Mr. Weiford (Division of Environmental Protection) who said that they would be approved even though they were given suggestions, rather than that, they had a good plan. Ms. Rader stated that they needed something to that effect so that they would be assured that the permit would be issued as well as a letter from the Department of Natural Resources. Ms. Rader stated that it was her understanding from Mr. Hartshorn that Cindy Musser (DNR) will be giving the Bradys something. Mr. Hartshorn stated the Environmental Protection Agency was down. (inaudible) Commissioner Grapes stated that it looks like things are going to

come together.

On this date, the County Commission of Wood County, upon a motion made by Steven A. Grimm, seconded by Holmes R. Shaver and made unanimous by Jean Grapes, did hereby ORDER that the amount of thirty thousand dollars and 00/100 cents (\$30,000.00) be contributed to the Erickson All Sports Athletic Facility. The aforementioned contribution will be made available to the Wood County Board of Education upon the presentation of an invoice/invoices reflecting the purchase of plastic pipe, and for plastic pipe only. Said contribution is pursuant to a verbal request made by Attorney Richard Bush before the County Commission of Wood County, during regular session on Thursday, September 28, 1995. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County, upon a motion made by Steven A. Grimm, seconded by Holmes R. Shaver and made unanimous by Jean Grapes, did hereby Order that a Proclamation be signed proclaiming the month of October, 1995 as BREAST CANCER AWARENESS MONTH and October 2, 1995 as WEST VIRGINIA BREAST CANCER AWARENESS DAY. An Order was prepared regarding this matter.

On this date, the County Commission of Wood County was in receipt of a check in the amount of one thousand six hundred ninety-six dollars and thirty-one cents (\$1,696.31) from the State of West Virginia in which the amount of one thousand three hundred eight dollars and eighty-six cents (\$1,308.86) represents reimbursement to Wood County for expenses incurred during the month of July, 1995 in regard to the Drug Control and System Improvement Grant Number 94-DC-

023. Receipt of said check is pursuant to an Order appearing in Order Book 56, at Page 301 and bearing the date of August 22, 1995 at which time the Request for Reimbursement was signed by Jean Grapes, President of the Wood County Commission. All documentation pertaining to the said Drug Control and System Improvement Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

On this date, the County Commission was in receipt of the Approval of the Request for Revision to Approved Budget from the Department of Tax and Revenue, Charleston, West Virginia, in regard to Corrected Revision No. 1 in the Coal Severance Fund budget for the fiscal year 1995/1996. Receipt of said Approval is pursuant to an Order appearing in Order Book 56, at Page 288 and bearing the date of July 31, 1995, at which time the Request for Revision was signed by Jean Grapes, President of the Wood County Commission. An Order was prepared regarding this matter.

On this date, the County Commission was in receipt of the Approval of the Request for Revision to Approved Budget from the Department of Tax and Revenue, Charleston, West Virginia, in regard to Revision No. 3 in the General County Fund budget for the fiscal year 1995/1996. Receipt of said Approval is pursuant to an Order appearing in Order Book 56, at Page 302 and bearing the date of August 24, 1995, at which time the Request for Revision was signed by Jean Grapes, President of the Wood County Commission. An Order was prepared regarding this matter.

On this date, the County Commission was in receipt of the

Approval of the Request for Revision to Approved Budget from the Department of Tax and Revenue, Charleston, West Virginia, in regard to Revision No. 1 in the General County Fund budget for the fiscal year 1995/1996. Receipt of said Approval is pursuant to an Order appearing in Order Book 56, at Page 278 and bearing the date of July 20, 1995, at which time the Request for Revision was signed by Steven A. Grimm, President Pro Tem of the Wood County Commission. An Order was prepared regarding this matter.

On this date, the County Commission was in receipt of the Approval of the Request for Revision to Approved Budget from the Department of Tax and Revenue, Charleston, West Virginia, in regard to Revision No. 2 in the General County Fund budget for the fiscal year 1995/1996. Receipt of said Approval is pursuant to an Order appearing in Order Book 56, at Page 288 and bearing the date of July 27, 1995, at which time the Request for Revision was signed by Jean Grapes, President of the Wood County Commission. An Order was prepared regarding this matter.

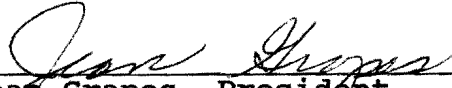
On this date, the County Commission of Wood County was in receipt of a check in the amount of one thousand six hundred ninety-six dollars and thirty-one cents (\$1,696.31) from the State of West Virginia in which the amount of three hundred eighty-seven dollars and forty-five cents (\$389.45) represents reimbursement to Wood County for expenses incurred during the month of July, 1995 in regard to the Drug Control and System Improvement Grant Number 94-DC-049. Receipt of said check is pursuant to an Order appearing in Order Book 56, at Page 301 and bearing the date of August 21, 1995 at which time

the Request for Reimbursement was signed by Jean Grapes, President of the Wood County Commission. All documentation pertaining to the said Drug Control and System Improvement Grant is on file in the Office of the County Administrator. 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


Jean Grapes, President


Steven A. Grimm, Commissioner


Holmes R. Shaver, Commissioner

PURCHASE ORDERS SIGNED ON OCTOBER 2, 1995

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| No. | 20341 | Tri-State Roofing & Sheet Metal | \$ 445.32 |
| | 20456 | State Electric Supply | 28.68 |
| | 20465 | Parkersburg Office Supply | 100.95 |
| | 20466 | Broadwaters Motorcar | 17.20 |
| | 20467 | Broadwaters Motorcar | 25.40 |
| | 20468 | Broadwaters Motorcar | 137.92 |
| | 20469 | Broadwaters Motorcar | 84.36 |
| | 20470 | Broadwaters Motorcar | 138.30 |
| | 20471 | Sturm Supply | 4.32 |
| | 20477 | Signs Now | 625.00 |
| | 20478 | Nassau Research Corporation | 232.91 |
| | 20479 | Char Ann Sales and Service | 12.00 |
| | 20480 | Byers Lock & Key | 7.50 |
| | 20481 | Byers Lock & Key | 15.75 |