

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
THURSDAY, JUNE 5, 1997

PRESENT: HOLMES R. SHAVER, PRESIDENT
DAVID A. COUCH, COMMISSIONER
ROBERT K. TEBAY, COMMISSIONER

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

On this date, the County Commission, upon a motion made by Holmes R. Shaver, seconded by David A. Couch and passed, approved minutes from Tuesday, February 4, 1997, Wednesday, February 5, 1997 and Thursday, February 6, 1997.

On this date, the County Commission approved Erroneous Assessment Applications in regard to Personal Property for Mable Caplinger, Lubeck District (1996); Roger D. & Barbara Metz - City District (1996); Jean P. Crosten - Vienna District (1995) and Larry's Light Duty Backhoe SVC - Tygart District (1996). The County Commission also approved Erroneous Assessment Applications in regard to Real Property for Mary L. Lutz - Lubeck District (1997) and James D. & Martha H. Tawney - Williams District (1997).

On this date, the County Commission met with Cindy Musser from the Department of Natural Resources. (nothing on tape)

At 10:00 A.M., the County Commission went to the Municipal Building to hold a public hearing in regard to the Incorporation of Mineral Wells. On this date came citizens and freeholders of the community of Mineral Wells, Wood County, West Virginia, in person and by their attorney Michele Rusen, for the community of Mineral Wells to be incorporated as a Class II City, property notice and posting having been met in accordance with Chapter 8-2-3 of the West Virginia Code.

Came also other citizens and freeholders who opposed the incorporation by their attorney, Joseph M. Brown. Whereupon witnesses were sworn and evidence adduced; at the end of the Petitioners' evidence, the attorney for those opposed to incorporation moved to dismiss, grounds assigned. Upon mature consideration, the County Commission finds, based on the testimony of witnesses for the Petitioners, that the Petition as presented does not meet the requirements of Section 1, Article 2, Chapter 8 of the West Virginia Code as to the following particulars: 1. A portion of the area proposed to be incorporated lies within the corporate limits of the City of Parkersburg, West Virginia; therefore, it fails to meet the requirement that the area to be incorporated not lie "within any municipality"; 2. A substantial portion of the area to be incorporated is disproportionate to the number of inhabitants; 3. The amount of territory to be incorporated is not urban in character; 4. The population density is substantially less than 500 persons per square mile. The County Commission believes that it has discretion to alter the boundaries of the area to be incorporated but under the holding in *Peyton v. City Council of Lewisburg*, 182 W.Va 297, 387 S.E.2d 532 (1989) the population density is mandatory and is not subject to waiver by the Commission as urged by the Petitioners. It is the ORDER of this County Commission that the Motion to Dismiss the Petition is granted and the Petition, as presented, is denied. Petitioners are granted leave to submit an Amended Petition. It is the further ORDER of this County Commission that the Clerk of the Commission send a certified copy of this ORDER to each counsel of record. There being no further business before the Commission, the public hearing is adjourned.

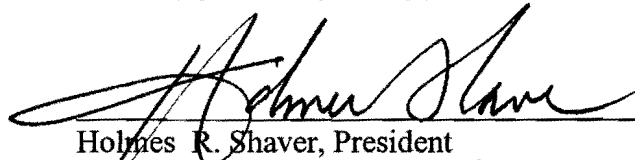
On this date, the 5th day of June, 1997, came Lisa Davis and Jerrold Parker, representing themselves, and presented to the County Commission of Wood County a Petition requesting the closing of a twelve (12) foot wide abandoned and undeveloped right of way known as Redeker Alley (Street) as shown on Tax Map 290 in Clay Taxing District, County of Wood, State of West Virginia.


Adjacent property owner, Billie L. Long had originally presented said Petition on April 7, 1997. Ms. Davis and Mr. Parker presented said petition on May 15, 1997 and the County Commission set a public hearing for June 19, 1997; however, due to the legal notice not being published and certified mail being undeliverable, Ms. David and Mr. Parker request a new date be set. The County Commission, after having inspected the said Petition does hereby ORDER that the twenty-sixth day of June, 1997 at 10:30 o'clock A.M. be set as the time for a Public Hearing in the Office of the County Commission, Room 203 of the Wood County Courthouse, Parkersburg, West Virginia. It is further ORDERED that the notice of said Public Hearing be published, by the Petitioners, as required and that said notice sets forth the time, place and purpose of such Public Hearing as required by Chapter 7, Article 1, Section 3(h) of the Code of West Virginia, 1931, as amended. It is further ORDERED that abutting property owners, not part of the petition, be advised by the Petitioners by certified mail. An Order was prepared regarding this matter.

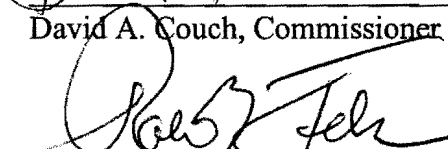
Having no further scheduled appointments or business to attend to, the County Commission adjourned at approximately 12:00 Noon.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY


Holmes R. Shaver, President


David A. Couch, Commissioner


Robert K. Tebay, Commissioner

PURCHASE ORDERS SIGNED ON JUNE 5, 1997

No. 22249	Sherwin-Williams	\$ 48.50
22410	Stuart Oil	3377.69

To listen to these minutes, please refer to Tapes #36 & #37.