

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
THURSDAY, MAY 9, 2002

PRESENT: ROBERT K. TEBAY, PRESIDENT
RICK MODESITT, COMMISSIONER
K.D. MERRITT, COMMISSIONER

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

The County Commission, upon a motion made by K.D. Merritt, seconded by Rick Modesitt and made unanimous by Robert K. Tebay, approved minutes from March 18, 2002.

At 9:30 A.M., the County Commission met with Correctional Officers who were to be sworn in as Wood County Holding Center Officers. Asked that they not be sworn in until his grievance is completed. Upon a motion made by K.D. Merritt, seconded by Rick Modesitt and made unanimous by Robert K. Tebay, the County Commission stated that the grievance would prevail over what they are here to do today. Tina M. Bailey, Thomas A. Barnette, Kenneth Fritz, Mark S. Furner, David L. Joy, Charles E. Mills, Lee G. Myers, Ronnie L. Nelson, Michael P. Stump, David D. Ward and Brent York were sworn in as Holding Center Officers.

At 10:00 A.M., the County Commission held a public hearing to close and vacate a portion of Midway Street in Pineview Manor Addition in Tygart District. Attorney James Bradley and David Jeffrey were present. After discussion, the County Commission approved said road closing. A copy of the Order that was prepared regarding this matter is attached to these minutes and shall be made a part thereof.

A Holding Center Officer informed the Commission that he doesn't know how his pay will be affected, what his job description, if his benefits have changed, etc. are in regard to his new position; he is a ten year employee, feels he is being left in the dark about a lot of things. They would like to set up a time to discuss this further.

At 10:30 A.M., the County Commission met with Gina Taylor, West Virginia University Extension Service and Robert Buck and others to discuss the Wood County 4-H Camp Advisory Board and a plan for an engineering study. The County Commission of Wood County, upon a motion made by K.D. Merritt, seconded by Rick Modesitt and made unanimous by Robert K. Tebay, did hereby ORDER that a contribution in the amount of two thousand five hundred dollars and 00/100ths cents (\$2,500.00) be granted to the Wood County Permanent 4-H Camp Trustees. Such contribution will be utilized for an engineering study in regard to the development of lots along the river on 4-H property for use as year-round camper rentals. An Order was prepared regarding this matter. Bruce Layman, Linda Camp, Robert Gandee, Toni Fleming, Pete Butcher, Jamie Six and Tom Fenton were also in attendance for this meeting.

At 11:00 A.M., the County Commission held a hearing in regard to the Robert I. Joy estate to have claims disallowed. Mary Atkinson was present and explained the situation to the County Commission. The County Commission, upon a motion duly made, seconded and passed, disallowed the claims and released Mary Atkinson as Administratrix.

The County Commission of Wood County, upon a motion made by K.D. Merritt, seconded by Rick Modesitt and made unanimous by Robert K. Tebay, did hereby AWARD the bid for the removal of all accumulated appliances, tires, junk trash and refuse from property in Kanawha, West Virginia, to Graham Excavating, Parkersburg, West Virginia. The aforementioned property is owned by John H. Flinn. The AWARDING of the aforementioned

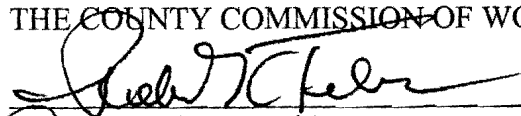
bid is pursuant to an ORDER appearing in Order Book 65, at Page 202 and bearing the date of May 2, 2002, at which time sealed bids were opened and were taken under advisement. Bids pertaining to this cleanup are on file in the Office of the County Administrator. An Order was prepared regarding this matter.

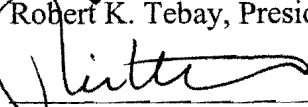
The County Commission of Wood County was in receipt of a check in the amount of two thousand nine hundred seventy-five dollars and 00/100ths cents (\$2,975.00) from the West Virginia Department of Health and Human Resources, Charleston, West Virginia, in regard to the Early Intervention and Family Support Grant Number G020460. Receipt of the aforementioned check is pursuant to an ORDER appearing in Order Book 65, at Page 185 and bearing the date of April 15, 2002, at which time Robert K. Tebay, in his official capacity as President and on behalf of the County Commission, was AUTHORIZED to EXECUTE the Request for Reimbursement. Documentation pertaining to the Early Intervention and Family Support Grant is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

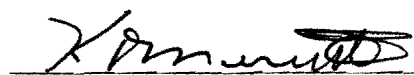
Having no further scheduled appointments or business to attend to, the County Commission adjourned at 12:00 Noon.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY


Robert K. Tebay, President


Rick Modesitt, Commissioner


K. D. Merritt, Commissioner

PURCHASE ORDERS APPROVED ON MAY 9, 2002

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|-------|---------------------------|----------|
| 27717 | Parkersburg Office Supply | 1,374.36 |
| 27721 | Parkersburg Office Supply | 84.63 |

ab

To listen to this meeting, please refer to Tape #172 and Tape #173.

5/9/02

PLEASE PRINT

- 1 BRENT YORK 0920 09/MAY/02
- 2 KENNETH FRITZ 0920 09/MAY/02
- 3 MARK FURNER 0921 9 MAY 2002
- 4 Gary Vincent
- 5 KEN HARRIS
- 6 DOT HARRIS
- 7 David [unclear] 5/9/02
- 8 Sam Cook 5-9-02
- 9 JAMES M Bradley Jr 5-9-02
- 10 GINA Taylor (WIVES) 5-9-02
- 11 Robert W Bush 5-9-02 ✓
- 12 DON FLEMING
- 13 BRUCE LAYMAN 5/9/02
- 14 Linda J. Camp 5/9/02
- 15 Robert A GARDNER Sr. 5/9/02
- 16 Jami Fleming - 5/9/02
- 17 PETE BUTCHER 5.9.02
- 18 Jamie Six 5-9-02
- 19 Tom Fenton - 5.9.02

- 20 MARY ATKINSON

5/9/02
6-7-210
68

BEFORE THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA .

**ORDER CLOSING AND VACATING A PORTION OF
MIDWAY STREET, PINE VIEW MANOR ADDITION,
TYGART DISTRICT, WOOD COUNTY, WEST VIRGINIA**

This matter came forward on the 9th day of May, 2002, upon the within Petition for hearing before the County Commission of Wood County, West Virginia, at a regular session of the Commission. There appearing the Petitioners, DAVID W. JEFFREY and MARY I. JEFFREY, in person and by their counsel, JAMES M. BRADLEY, JR., and also appearing was SAM COOK, Trustee of the Jackson Cemetery.

Whereupon the Commission did take up for consideration the within Petition and did hear and receive evidence from all persons desiring to present evidence and did admit the exhibits offered into evidence and in consideration of all of the above, the Commission does find as follows:

Mary Rader

1. The Petitioners, DAVID W. JEFFREY and MARY I. JEFFREY, are the current record owners of Lot One Hundred Seventy-Three (173) of Pine View Manor addition by virtue of that certain deed of record in the Office of the Clerk of the County Commission of Wood County, West Virginia, in Deed Book 994, at Page 882. Said lot abuts a portion of MIDWAY STREET on its northerly side, a distance of 151.80 feet, as depicted on the Plat of Proposed Closing of Portion of Midway Street, prepared by James L. DeBrular, P.S., dated April 6, 2002, and appended hereto as Exhibit A.

2. The Petitioners, V.B. TUMLIN and J.T. JARVIS, are the current record owners of Lot One Hundred Seventy-Two (172) of Pine View Manor, Tygart District, Wood County, West Virginia, as appears by deed of record in the aforesaid Clerk's office in Deed Book 606, at Page

139. Said Lot (172) abuts Midway Street on its southerly side, a distance of 141.80 feet, as it is further depicted on the attached plat.

3. Improvements and structures placed upon such lots encroach over and upon Midway Street, which encroachments however, do not extend over or into Midway Street in excess of ten (10) feet from either lot. Such encroachments were originally made and erected on such lots and at a time when the actual lot boundaries and corners were not clearly fixed by proper survey. The above described encroachments inhibit the clear and full alienability of such lots and as such are detrimental to the market value of such lots and of other lots and improvements in Pine View Manor.

4. C. L. Ott, a resident of Wood County, West Virginia, is the owner of record of the property abutting Midway Street at its easterly terminus by virtue of a deed of record in the aforesaid Clerk's office in Deed Book 893, at Page 561, being Parcel "B9-A" as depicted on the tax maps of Tygart District, Map 200, Wood County, West Virginia.

5. The Jackson Cemetery, located on parcel B9-F of Map Sheet 200 of Tygart District, Wood County, West Virginia, is serviced and accessed by a private right-of-way that originates at the easterly terminus of Midway Street. Record title to such property is in the Trustees of the Jackson Cemetery. The sole surviving trustee of the Jackson Cemetery is Sam Cook, who resides at Rt. 5, Box 420, Parkersburg, West Virginia 26101.

6. A Plat of Pine View Manor is recorded in the Office of the Clerk of the County Commission of Wood County, West Virginia, in Plat Book 3, at Page 86.

7. On the 19th day of April, 2002, Notice of the within Petition and the scheduled hearing before the County Commission of Wood County, West Virginia, of May 9, 2002, was published in the Parkersburg News as a legal advertisement, Chapter 59, Article 3, Section 1, of

the West Virginia Code, as more fully appears from the affidavit of Sherry Brunett, which is admitted as an exhibit.

8. Personal service of the Petition and Notice of Hearing was made upon all of the record title owners to the lots, tracts or parcels of land which abut or adjoin the portion of Midway Street sought to be closed in this proceeding and upon the record owners of real estate which is accessed by or through such portion of Midway Street, which personal service is reflected in the return of service which is admitted as an exhibit. Those persons who were personally served with such Petition and Notice are as follows:

- A. Sam Cook, Trustee of Jackson Cemetery
Rt. 5, Box 420
Parkersburg, WV 26101
- B. Claradon L. Ott
Rt. 1, Box 38C
Mineral Wells, WV 26150
- C. Gevena Ott
Rt. 1, Box 38C
Mineral Wells, WV 26150

9. Notice of the continuation of the hearing on the Petition before the County Commission of Wood County, West Virginia, to May 9, 2002, at 10:00 a.m. was duly served upon the individuals set forth in paragraph 3 a, b, and c hereof, by certified mail as evidenced by the Domestic Return Receipts, United States Postal Service, which are admitted as exhibits.

10. A copy of the Petition and Notice of Hearing were posted at conspicuous points in, on or abutting Midway Street, between Grove Avenue and the terminus of Midway Street, as is depicted in the photographs of such postings, which photographs are admitted as exhibits.

11. The Commission further finds that certain improvements and structures were placed upon such lots 172 and 173 of Pine View Manor which encroach over and upon Midway

Street, which encroachments however, do not extend over or into Midway Street in excess of ten (10) feet from either lot. Such encroachments were originally made at the time that such structures were erected on such lots and at a time when the actual lot boundaries and corners were not clearly fixed by proper survey. The above described encroachments inhibit the clear and full alienability of such lots and as such are detrimental to the market value of such lots and of other lots and improvements in Pine View Manor.

12. The Commission further finds that the closing and vacating of a ten (10) foot portion of Midway Street on both its northerly and southerly sides, adjacent to lots 172 and 173, respectively, would resolve and extinguish such encroachments and would therefore promote the clear and full alienability of such lots and would improve the other remaining lots and improvements in Pine View Manor addition. Such portion of Midway Street consists of 1,518 square feet adjoining Lot No. 173, and 1,418 square feet adjoining Lot No. 172, as is more fully shown on the plat prepared by James L. DeBrular, P.S., dated April 6, 2002, and which plat and accompanying exhibits are admitted as exhibits.

13. The granting of the Petition herein would effectively reduce the width of Midway Street to thirty (30) feet, and such thirty (30) feet shall remain open and not otherwise be affected by this Order.

14. The Commission further finds that there was no objection raised to the proposed closing and vacating of a portion of Midway Street as prayed for in the Petition and that the granting of said Petition would be in the best interests of the Petitioners and owners of other improved lots in Pine View Manor.

WHEREUPON, by motion duly made, seconded and unanimously passed, the County Commission of Wood County, West Virginia, does therefore ORDER that the portions of

Midway Street of Pine View Manor, Tygart District, between Grove Avenue and the easterly terminus of Midway Street, as depicted in the Plat prepared by James L. DeBrular, P.S., and dated April 6, 2002, abutting Lot No. 173 of Pine View Manor and Lot No. 172 of Pine View Manor are hereby closed and vacated. Such portions of Midway Street closed and vacated by this Order are more particularly described as follows:

BEGINNING AT A POINT, THE CURRENT INTERSECTION OF THE SOUTHERLY LINE OF GROVE AVENUE WITH THE EASTERLY LINE OF MIDWAY STREET, SAID POINT BEING THE NORTHWESTERLY CORNER OF LOT (173) OF PINE VIEW MANOR ADDITION, AS SHOWN ON A REVISED PLAT IN PLAT BOOK 3, PAGE 86,

THENCE: WITH THE WESTERLY LINE OF SAID LOT (173) AND THE WESTERLY LINE OF A 10 FOOT WIDE CLOSED ALLEY (DEED BOOK 924, PAGE 613), S 32°00' E; 151.80 FEET TO A POINT IN THE NORTHERLY LINE OF C. L. OTT (DEED BOOK 893, PAGE 561),

THENCE: WITH THE NORTHERLY LINE OF SAID C. L. OTT, S 58°00' W; 10.00 FEET TO A POINT,

THENCE: WITH THE PROPOSED NEW EASTERLY LINE OF SAID MIDWAY STREET, N 32°00' W; 151.80 FEET TO A POINT, THE PROPOSED NEW INTERSECTION OF THE SOUTHERLY LINE OF SAID GROVE AVENUE WITH THE EASTERLY LINE OF SAID MIDWAY STREET,

THENCE: WITH THE SOUTHERLY LINE OF SAID GROVE AVENUE, N 58°00' E; 10.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,418 SQUARE FEET MORE OR LESS.

BEING THAT PART OF MIDWAY STREET ABBUTTING THE WESTERLY LINE OF LOT (173) AND PART OF A 10 FOOT WIDE ALLEY OF PINE VIEW MANOR ADDITION, AS SHOWN ON A REVISED PLAT IN PLAT BOOK 3, PAGE 86.

BEGINNING AT A POINT, THE CURRENT INTERSECTION OF THE SOUTHERLY LINE OF GROVE AVENUE WITH THE WESTERLY LINE OF MIDWAY STREET, SAID POINT BEING THE NORTHEASTERLY CORNER OF LOT (172) OF PINE VIEW MANOR ADDITION, AS SHOWN ON A REVISED PLAT IN PLAT BOOK 3, PAGE 86,

THENCE: WITH THE SOUTHERLY LINE OF SAID GROVE AVENUE, N 58°00' E; 10.00 FEET TO A POINT, THE PROPOSED NEW INTERSECTION OF THE SOUTHERLY LINE OF SAID GROVE AVENUE WITH THE WESTERLY LINE OF SAID MIDWAY STREET,

THENCE: WITH THE PROPOSED NEW WESTERLY LINE OF SAID MIDWAY STREET, S 32°00' E; 141.80 FEET TO A POINT IN THE NORTHERLY LINE OF A 10 FOOT WIDE ALLEY,

THENCE: WITH THE NORTHERLY LINE OF SAID ALLEY, S 58°00' W; 10.00 FEET TO A POINT, THE SOUTHEASTERLY CORNER OF SAID LOT (172),

THENCE: WITH THE EASTERLY LINE OF SAID LOT (172), N 32°00' W; 141.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,418 SQUARE FEET MORE OR LESS.

BEING THAT PART OF MIDWAY STREET ABUTTING THE EASTERLY LINE OF LOT (172) OF PINE VIEW MANOR ADDITION, AS SHOWN ON A REVISED PLAT IN PLAT BOOK 3, PAGE 86.

It is further the ORDER of this Commission that the Clerk shall cause a certified copy of this Order, along with the Plat and Survey Description, marked and admitted as exhibits A, B, and C, respectively, to be recorded with the land records of Wood County, West Virginia.

Dated: May 9, 2002

ORDERED BY:

