

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
MONDAY, AUGUST 23, 2004

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

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

At 10:00 A.M., the County Commission met with John Badgley to discuss the YMCA Center on Market Street. Mr. Badgley stated that it would be too difficult to track how many times County employees would use the facility; the County could get the corporate rate (employees would pay their own membership). The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, did hereby AGREE that literature in regard to the opening of a new YMCA Center on Market Street, Parkersburg, West Virginia, would be included in County employee's payroll.

At 10:30 A.M., the County Commission met with Lee "Ox" Johnson, Roger Martin, Paul W. Smith, James M. Cox, all from the Lubeck Public Service District and Ginny Conley, Prosecuting Attorney, to discuss the investigation of the Lubeck Public Service District.

At 10:37 A.M., the County Commission, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, went into Executive Session, upon authority granted by the West Virginia Code, Chapter 6, Article 9A, Section 4, Numbers 6 and 7 and Attorney Client Privilege. Also in attendance was Mr. Johnson, Mr. Martin, Mr.

Smith, Ms. Conley and Mary Rader, County Administrator. They adjourned said session at 11:59 A.M.

After discussion, the County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, did hereby recommend to the three (3) commissioners appointed to the Lubeck Public Service District the following.

- (1.) That they solicit bids for accounting and legal services.
- (2.) That they have an accountant look over the most recent audit of the district to see if any recommendations could be made.
- (3.) The County Commission of Wood County would provide additional help to assist in the open governmental meetings and freedom of information criteria.

The three (3) commissioners to the Lubeck Public Service District are appointed by the County Commission of Wood County. An Order was prepared regarding this matter.

At 12:05 P.M., the County Commission, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and made unanimous by Rick Modesitt, went into Executive Session upon authority granted by West Virginia Code, Chapter 6, Article 9A, Section 4, Numbers 6 and 7 and Attorney Client Privilege. In attendance was Mr. Johnson, Mr. Smith, Mr. Martin, Ms. Conley, Ms. Rader and Jerry Martin, Virginia Sines and William Argabrite, residents of the Lubeck area. They adjourned said session at 12:27 P.M.

At 1:30 P.M., the County Commission held a hearing in regard to the Annexation of Property by Minor Boundary Adjustment for property in Williams District. Gerald Townsend, Special Counsel for Williamstown; Jeffrey Martin, Developer and Marty Seufer, Williamstown Councilman. After testimony, and finding no persons objecting, the County Commission does Order that the property be annexed, by minor boundary adjustment, to the City of

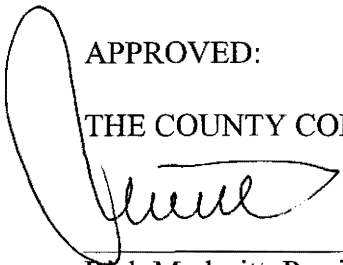
Williamstown. A copy of the Order with description of the property is attached to these minutes and should be made a part thereof.

The County Commission of Wood County, upon a motion made by Robert K. Tebay, seconded by K.D. Merritt and passed, did hereby AUTHORIZE Rick Modesitt, in his official capacity as President and on behalf of the County Commission, to EXECUTE the GRANT CONTRACT AGREEMENT between the West Virginia Department of Transportation, Division of Motor Vehicles, Charleston, WV, and the Wood County Commission, Wood County, West Virginia, in regard to the Mid-Ohio Valley Safe Community Program's DUI Enforcement Project, Grant Number F04-1631-D02. The aforementioned Grant provides funding in the amount of ten thousand dollars and 00/100ths cents (\$10,000.00) to supplement the aforementioned DUI Enforcement Project. The term of the Grant supplement commences on July 1, 2004 and continues until June 30, 2005. The County Commission of Wood County does hereby agree to abide by the Grant conditions, terms, assurances and certificates as set forth by the Division of Motor Vehicles. If changes in the scope of services are required, the County Commission of Wood County shall submit a written request for modification prior to changing any budget line item. Receipt of said GRANT CONTRACT AGREEMENT is pursuant to an ORDER appearing in Order Book 66, at Page 300 and bearing the date of June 24, 2004, at which time the Grant Application was EXECUTED by Rick Modesitt in his official capacity as President and on behalf of the County Commission. The Commission's request for funding was in the amount of forty-seven thousand seven hundred forty dollars and 00/100ths cents (\$47,740.00). Documentation pertaining to the Mid-Ohio Valley Safe Community Program's DUI Enforcement Project is on file in the Office of the County Administrator. An Order was prepared regarding this matter.

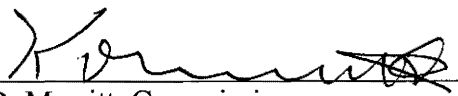
Having no further scheduled appointments or business to attend to, the County Commission adjourned at approximately 2:30 P.M.

APPROVED:

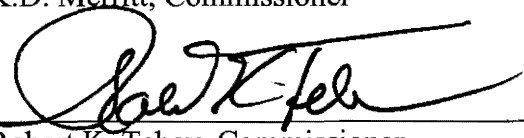
THE COUNTY COMMISSION OF WOOD COUNTY



Rick Modesitt, President



K.D. Merritt, Commissioner



Robert K. Tebay, Commissioner

PURCHASE ORDERS APPROVED ON AUGUST 23, 2004

29809	Miller Communications	426.21
29889	Parkersburg Office Supply	55.60
29893	Dartek Computery Supply	1255.55
29897	Miller Communications	42995.00
29911	Casto & Harris	65.90
29925	Parkersburg Office Supply	101.36
29939	State Chemical	288.09
29941	Parkersburg Office Supply	157.85
29945	Wal-Mart	31.03
29953	Mahone Tire	9.00
29957	Port Authority for Wood County	20000.00
31912	Northwestern Landfill	122.00
31926	Astorg Motor	200.89
31928	Miller Communications	225.00
31946	Office Depot	49.13
31976	Office Depot	93.74
31978	Astorg Motor	50.19
31994	Broadwaters Motorcar	145.09
31996	The Hitchman	209.90
32000	Parkersburg Office Supply	101.34
32006	Broadwaters Motorcar	60.78
32012	Federal Express	33.17

To listen to this meeting, please refer to Tape #409.

ab

COPY

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: Annexation of Property By
 Minor Boundary Adjustment,
 13.345 Acres, Williams District,
 Wood County, West Virginia

ORDER OF ANNEXATION

This 23rd day of August, 2004, pursuant to the Order entered herein on the 2nd day of August, 2004, this proceeding came on before the County Commission of Wood County, West Virginia; and, this day came Petitioner, the City of Williamstown, a municipal corporation, by Gerald W. Townsend, its Special Counsel.

Findings of Fact

From examination of the Petition and its exhibits, and the evidence adduced at hearing before the Commission, the Commission makes these Findings of Fact, pursuant to the provisions of Chapter 8, Article 6, Section 5 (f):

1. The territory proposed for annexation is contiguous to the corporate limits of the municipality.
2. The proposed annexation is not limited solely to a Division of Highways right-of-way nor does the Division of Highways hold title to the

property in fee.

3. The affected parties of the territory to be annexed support the proposed annexation.

4. The proposed annexation does not consist of a street or highway as defined in Section 35, Article 1, Chapter 17C [§17C-1-35] of the West Virginia Code of 1931, as Amended, and one or more freeholders.

5. The proposed annexation does not consist of a street or highway as defined in Section 35, Article 1, Chapter 17C [§17C-1-35] of the West Virginia Code of 1931, as Amended, which does not include a freeholder but which is necessary for the provision of emergency services in the territory being annexed.

6. No other municipality has made application to annex the same or substantially the same territory.

7. The proposed annexation is in the best interest of the county as a whole.

8. The Notices by publication and by posting required by Chapter 8, Article 6, Section 5 (e) were published and posted in timely manner as required by law.

9. The territory proposed for annexation is a proper subject for a minor boundary adjustment.

10. The Petition, exhibits, and other evidence offered satisfy all of the requirements for annexation by minor boundary adjustment set forth in Chapter 8, Article 6, Section 5 of the Code.

11. The proposed annexation is in the best interest of the petitioner municipality and the freeholder of the territory to be annexed.

Conclusions of Law

Based upon the foregoing Findings of Fact, the Commission concludes that the Petition of the City of Williamstown for annexation of property by minor boundary adjustment should be granted.

In view of the foregoing Findings of Fact and Conclusions of Law, this Commission does **ORDER** that the following described property, formerly situate in the District of Williams, County of Wood, State of West Virginia, be, and the same is, hereby annexed, by minor boundary adjustment, to the petitioner herein, the City of Williamstown, a municipal corporation, and, accordingly, the corporate limits of the City of Williamstown be, and the same are, hereby changed by virtue of such annexation, to include the following described property, to-wit:

TRACT 1:

Beginning 5/8" iron rod (found) at the northwest corner of the Silos at Painter's Crossing Subdivision Phase 1 (Plat Book 23, Page 4), thence S 34° 57' 15" E 987.19 feet with said the Silos at Painter's Crossing Subdivision Phase 1, and then with the

Silos at Painter's Crossing Subdivision Phase II (Plat Book 23, Page 52), and then with Hunter's Run Subdivision (Plat Book 25, Page 9), to a 5/8" iron rod (found), passing a 1/2" capped rebar (set) at 475.93 feet, and passing a capped iron rebar (found) at 977.19 feet; thence S 13° 33' 00" W 109.00 feet with said Hunter's Run Subdivision to a 5/8" iron rod (found); thence S 48° 37' 00" W 74.86 feet with said Hunter's Run Subdivision to a point at a common corner to a 8.678 acre tract passing a 5/8" iron rod (found) at 35.65 feet; thence N 38° 02' 29" W 246.48 feet with said 8.678 acre tract to a point at a common corner; thence N 34° 57' 15" W 570.20 feet with said 8.678 acre tract to a point at a common corner; thence N 40° 43' 34" W 99.25 feet with said 8.678 acre tract to a point at a common corner; thence N 44° 43' 06" W 154.69 feet with said 8.678 acre tract to a point at a common corner to a 8.663 acre tract; thence N 45° 16' 54" E 208.54 feet with said 8.663 acre tract to a 1/2" capped rebar (set) at a common corner; thence S 34° 57' 15" E 35.08 feet with said 8.663 acre tract to the point of beginning; containing 4.197 acres per an actual field survey performed by Randall R. Cline, II, P.S. #1979, on or about June 1, 2004.

TRACT 2:

Beginning 5/8" iron rod (found) at the northwest corner of the Silos at Painter's Crossing Subdivision Phase 1 (Plat Book 23, Page 4), thence N 34° 57' 15" W 35.08 feet, to a capped 1/2" iron rebar (set), thence S 45° 16' 54" W 590.30 feet, to a capped 1/2" iron rebar (set) at the true point of beginning; thence N 45° 16' 54" E 381.76 feet with a 8.663 acre tract to a 1/2" capped rebar (set) at a common corner to a 4.197 acre tract; thence S 44° 43' 06" E 154.69 feet with said 4.197 acre tract to a point at a common corner; thence S 40° 43' 34" E 99.25 feet with said 4.197 acre tract to a point at a common corner; thence S 34° 57' 15" E 570.20 feet with said 4.197 acre tract, to a point at a common corner; thence S 38° 02' 29" E 246.48 feet with said 4.197 acre tract to a point in the northerly line of Hunter's Run Subdivision (Plat Book 25, Page 9); thence S 48° 37' 00" W 200.81 feet with said Hunter's Run Subdivision to a 5/8" iron rod (found) at a common corner to the 50.192 acre

Martin Land Co. LLC tract (Deed Book 1038, Page 240), passing a 5/8" iron rod (found) at 80.54 feet; thence S 39° 07' 06" W 116.22 feet with said 50.192 acre Martin Land Co. LLC tract to a 1/2" capped iron rebar (set); thence N 41° 07' 53" W 1063.31 feet to the point of beginning, passing 1/2" capped rebars (set) at 581.28 and 954.08 feet; containing 8.678 acres per an actual field survey performed by Randall R. Cline, II, P.S. #1979, on or about June 1, 2004.

Basis of bearings: Plat Book 23, Page 4.

TRACT 3:

Beginning 5/8" iron rod (found) at the northwest corner of the Silos at Painter's Crossing Subdivision Phase I (Plat Book 23, Page 4); thence N 34° 57' 15" W 35.08 feet to a capped 1/2" iron rebar (set); thence S 45° 16' 54" W 590.30 feet to a capped 1/2" iron rebar (set) at the **true** point of beginning; thence S 41° 07' 53" E 109.23 feet with a 8.678 acre tract to a capped 1/2" iron rebar (set); thence S 85° 43' 06" W 93.91 feet to a capped 1/2" iron rebar (set); thence N 40° 59' 03" W 332.52 feet to a capped 1/2" iron rebar (set) in the southerly right of way line of West Virginia Route Number 14; thence N 41° 25' 28" E 50.44 feet with said southerly right of way line of West Virginia Route Number 14, to a capped 1/2" iron rebar (set) at a common corner to a 8.663 acre tract; thence S 40° 59' 03" E 267.43 feet with said 8.663 acre tract to a capped 1/2" iron rebar (set); thence N 85° 43' 17" E 31.20 feet with said 8.663 acre tract to the **true** point of beginning, containing 0.470 acres, as shown on a plat done by Randall R. Cline, II.

The plat of said property filed with the Petition, for purposes of this Order of Annexation, is incorporated herein by reference.

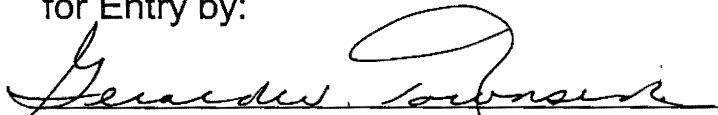
ENTER this 23 day of AUGUST, 2004.

COUNTY COMMISSION OF WOOD COUNTY,
WEST VIRGINIA

By: 

Its President

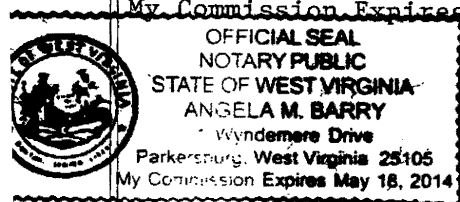
Prepared and Submitted
for Entry by:

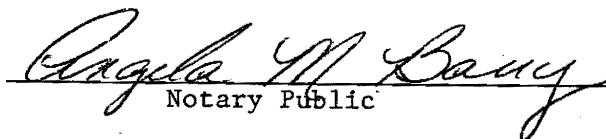

Gerald W. Townsend, Bar No. 3786
Special Counsel to Petitioner

STATE OF WEST VIRGINIA
COUNTY OF WOOD

The foregoing instrument was acknowledged before me this 23rd day of
August, 2004 by Rick Modesitt, President of the County Commission of Wood County.

My Commission Expires May 18, 2014.




Notary Public

Aug 23, 2004

PLEASE PRINT

1. Lee "Ox" Johnson
 2. JOHN BABCEY
 3. Virginia Sines
 4. JAMES M. Cox
 5. ~~Ray W. Smith~~
 6. ~~Shutb MORALES~~
 7. Keith Cutsright
 8. ~~Bob Stephens~~
 9. Roger A Martin
 10. ~~Gunny Cony~~
 11. GERALD W. Townsend - Special Counsel for Williamstown
 12. Jeffrey Martin - developer
 13. Marty Seuffer - Williamstown Councilman
- } Williamstown
annexation