

THE COUNTY COMMISSION OF McDOWELL COUNTY, W. VA.

Fourth _____ 9th _____ Day of _____ November _____ 1994.

MCDOWELL COUNTY COMMISSION MEETING
 NOVEMBER 9, 1994
 PRESENT: JERRY K. HORNE, COMMISSIONER
 GORDON O. LAMBERT, PRESIDENT
 G. MIKE CORTELLESI, COMMISSIONER

The McDowell County Commission met in a Regular Session on the 9th day of November, 1994, with Commissioners Jerry K. Horne, Gordon O. Lambert, and G. Mike Cortellesi present. Also present was Prosecuting Attorney, Sidney H. Bell. Thereupon, the following order was made and entered and/or the following order of business took place.

It was upon motion of Jerry K. Horne, Commissioner, duly seconded by Gordon O. Lambert, President, voted on as follows:

Jerry K. Horne Yes
 Gordon O. Lambert Yes
 G. Mike Cortellesi Abstained

it is hereby ORDERED that the Minutes of October 26, 1994, Special Session, be APPROVED.

It was upon motion of Jerry K. Horne, Commissioner, duly seconded by Gordon O. Lambert, President, voted on as follows:

Jerry K. Horne Yes
 Gordon O. Lambert Yes
 G. Mike Cortellesi Abstained

it is hereby ORDERED that the Minutes of October 26, 1994, Regular Session, be APPROVED.

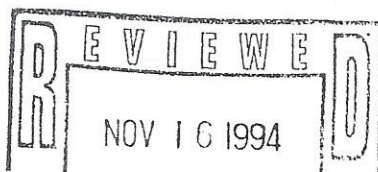
The following bills were presented to the Commission for approval, to-wit:

SPECIAL COMMISSARY FUND

	<u>AMOUNT</u>
Samantha Dell'Orso	25.00
Eva Ferrell	55.00
Thompson Cablevision Company	43.56
Buddy's Home Video	27.00
The Michie Company	42.33

COAL FUND

	<u>AMOUNT</u>
AT&T Credit Corporation	1,525.44
GE Capital	63.08
National Linen Service	39.14
Akers Hardware & Supply #1	31.83
Corte Construction Company, Incorporated	50.00
Phillips' Pest Control, Incorporated	78.00



Fourth 9th Day of November 1994

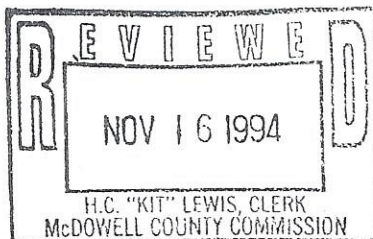
MCDOWELL COUNTY COMMISSION MEETING
 NOVEMBER 9, 1994
 PAGE 2

COAL FUND

	<u>AMOUNT</u>
Paper Supply Company of Bluefield	114.10
PSC Office Products	134.12
Appalachian Power Company	48.42
Citizens Telecom	2,936.49
Xerox Corporation	809.53

GENERAL COUNTY

	<u>AMOUNT</u>
West Virginia Regional Jail & Correctional Facility Authority	8,925.00
Two Way Radio, Incorporated	36.75
National Linen Service	774.47
Motorola	4,053.85
Anderson-Foley Printing Company	130.00
Maurice W. Lewis, DDS	954.00
Raines Office Machines	25.00
Ashland Oil Company	2,026.00
Citizens Drugs	1,254.02
Xerox Corporation	219.33
Bob Barker Company, Incorporated	727.58
Appalachian Power Company	7.77
Exxon/Gecc	153.35
Dover Elevator Company	375.48
Sidney H. Bell	9.95
Dennis A. Sizemore	600.00
Julito D. Sultan, MD	3,333.33
James W. Beaman	5.87
Betty Hardin	500.00
W. C. Bowman	500.00
State of West Virginia, Home Confinement Monitoring Services	1,164.00
Jerry Allan Keene, als	149,441.83
Beckley Newspapers, Incorporated	27.56
Bluefield Daily Telegraph	30.19
Charleston Newspapers	33.95
Peggy D. Blevins	48.17
Flowers Baking Company	391.84
W. Joseph McCoy	1,057.31
Sysco Food Services of Virginia	3,642.19
Paper Supply Company of Bluefield	103.90
Jimmy's Hardware and Supply, Incorporated	209.85
Hall Electric Company	99.30
The Industrial News	183.17
The Welch Daily News	234.52
Akers Hardware & Supply	79.19
NAPA Auto Parts Sales	27.93
PSC Office Products	50.35



THE COUNTY COMMISSION OF McDOWELL COUNTY, W. VA.

Fourth 9th Day of November 1994

MCDOWELL COUNTY COMMISSION MEETING
 NOVEMBER 9, 1994
 PAGE 3

GENERAL COUNTY

	<u>AMOUNT</u>
Ronald L. Blevins	5.00
West Virginia Uniforms	604.60
Charleston Area Medical Center	4,908.50
Sonja Lee Valentin	36.40
Charles Jefferson Sexton, Jr.	36.40
R. Keith Flinchum	82.50
Firequip	143.24

Thereupon, it was upon motion of Jerry K. Horne, Commissioner, duly seconded by G. Mike Cortellesi, Commissioner, voted on as follows:

- Jerry K. Horne Yes
- G. Mike Cortellesi Yes
- Gordon O. Lambert Yes

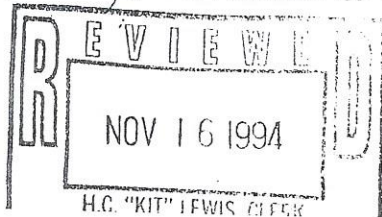
it is hereby ORDERED that the bills be APPROVED for payment upon the availability of funds and in the order made, with the exception of the bill for Charleston Area Medical Center and West Virginia Regional Jail and Correctional Facility Authority.

Bids were opened for the heating and cooling system for the Correctional Facility. Received were the following, to-wit: Airco--\$94,828.00; Beckley Mechanical, Incorporated--\$66,650; Fred's Heating and Air Conditioning--\$61,800.00. Thereupon, it was upon motion of Gordon O. Lambert, President, duly seconded by Jerry K. Horne, Commissioner, voted on as follows:

- Jerry K. Horne Yes
- G. Mike Cortellesi Yes
- Gordon O. Lambert Yes

it is hereby ORDERED that Jim Morrison, the County Permit Inspector, look into this and give a recommendation to the Commission. It is FURTHER ORDERED that the matter be TABLED until the next Meeting.

The County Commission went into Executive Session with the Mayor of Kimball and a couple of residents of Big Four and also a resident of Tidewater. After returning, President Gordon O. Lambert presented the following resolution to the Commission by the City of Kimball, to-wit:



MCDOWELL COUNTY COMMISSION MEETING
NOVEMBER 9, 1994
PAGE 4

GORDON
LAMBERT:

At a Regular Meeting of the City Council of the City of Kimball, at City Hall, Kimball, West Virginia, on November 8, 1994, a quorum being then and there present, the following preambles and resolutions were proposed and adopted:

1. WHEREAS, the City of Kimball has pending before the County Commission of McDowell County, West Virginia, a proposal to annex a portion of the unincorporated community of Big Four, and an area known as Tidewater, McDowell County, West Virginia, by Minor Boundary Adjustment, pursuant to W. Va. Code 8-6-5; and

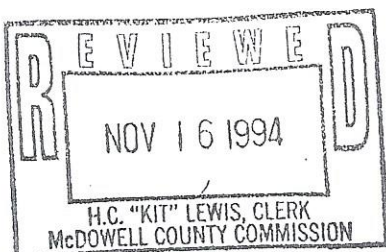
2. WHEREAS, the citizens of Big Four, West Virginia, and representatives of the Big Four Community Action Group have proposed that the City of Kimball annex additional portions of the unincorporated community of Big Four, McDowell County, West Virginia, by Minor Boundary Adjustment, pursuant to W. Va. Code 8-6-5; and,

3. WHEREAS, all parties concerned deem it in the best interests of both the City of Kimball, and the communities of Big Four and Tidewater, that the City of Kimball annex such territories;

NOW, THEREFORE, BE IT RESOLVED:

First, that the City of Kimball proceed with the "First Phase" annexation of a portion of the unincorporated community of Big Four and an area known as Tidewater, McDowell County, West Virginia, by Minor Boundary Adjustment, currently pending before the McDowell County Commission.

Second, that immediately upon approval by the McDowell County Commission of said "First Phase" annexation proposal, the City of Kimball shall submit an application to the McDowell County Commission to annex additional portions of the Community of Big Four, known as the "Second Phase" annexation proposal, and shall forthwith set to work doing all things reasonable and necessary to effect such "Second Phase" annexation, including,



THE COUNTY COMMISSION OF McDOWELL COUNTY, W. VA.

Fourth 9th Day of November 1994

MCDOWELL COUNTY COMMISSION MEETING
NOVEMBER 9, 1994
PAGE 5

but not limited to, mapping and advertising said proposal as required by law, and shall endeavor diligently to see the approval and completion of such "Second Phase" annexation.

GIVEN UNDER MY HAND this the 8th day of November, 1994.

JACK PREMO, JR.
MAYOR OF KIMBALL

ATTEST:

JOHNNY J. GIANATO, SR.
TOWN RECORDER

GORDON
LAMBERT:

There are time lines. The "Second Phase" will be presented on the 14th day of December, 1994, with map and boundary. Said "Second Phase" will be advertised December 15, 1994, and December 22, 1994, to be presented for approval on December 28, 1994.

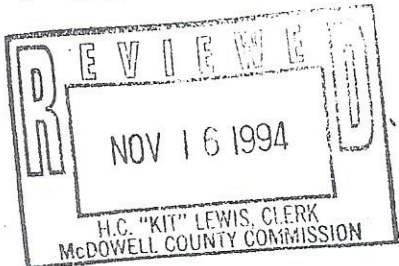
Thereupon, it was upon motion of G. Mike Cortellesi, Commissioner, duly seconded by Jerry K. Horne, Commissioner, voted on as follows:

- Jerry K. Horne Yes
- G. Mike Cortellesi Yes
- Gordon O. Lambert Yes

it is hereby ORDERED that the Annexation be APPROVED as presented and as stipulated with hearing and advertisement dates. It is FURTHER ORDERED that if the "Second Phase" is not carried out, the County Commission will RESCIND the Order of the "First Phase".

Correspondence dated October 27, 1994, was received from W. C. Bowman, Jail Administrator, in relation to \$25.00 payable to Samantha Dell'Orso for haircuts for indigent inmates. Thereupon, it was upon motion of Jerry K. Horne, Commissioner, duly seconded by G. Mike Cortellesi, Commissioner, voted on as follows:

- Jerry K. Horne Yes
- G. Mike Cortellesi Yes
- Gordon O. Lambert Yes



MCDOWELL COUNTY COMMISSION MEETING
NOVEMBER 9, 1994
PAGE 6

it is hereby ORDERED that said correspondence be ACKNOWLEDGED.

Correspondence dated October 27, 1994, was received from W. C. Bowman, Jail Administrator, in relation to the resignation of Arthur N. Mulkey from the Correctional Center effective November 1, 1994. Thereupon, it was upon motion of Gordon O. Lambert, President, duly seconded by G. Mike Cortellesi, Commissioner, voted on as follows:

- Jerry K. Horne Yes
- G. Mike Cortellesi Yes
- Gordon O. Lambert Yes

it is hereby ORDERED that said resignation be ACCEPTED.

Pursuant thereto, was correspondence dated October 25, 1994, from Arthur Mulkey as resignation from the Correctional Center. Thereupon, it was upon motion of Jerry K. Horne, Commissioner, duly seconded by Gordon O. Lambert, President, voted on as follows:

- Jerry K. Horne Yes
- G. Mike Cortellesi Yes
- Gordon O. Lambert Yes

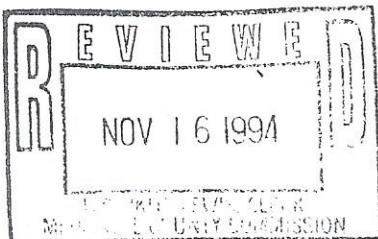
it is hereby ORDERED that said correspondence be ACKNOWLEDGED.

Correspondence dated October 25, 1994, was received from the Division of Environmental Protection in relation to an application for Reed Branch Pocahontas Coal Company. Thereupon, it was upon motion of Jerry K. Horne, Commissioner, duly seconded by G. Mike Cortellesi, Commissioner, voted on as follows:

- Jerry K. Horne Yes
- G. Mike Cortellesi Yes
- Gordon O. Lambert Yes

it is hereby ORDERED that said correspondence be ACKNOWLEDGED.

Correspondence dated October 27, 1994, was received from W. C. Bowman, Jail Administrator, in relation to \$11.64 as an overpayment to Flav-O-Rich. Thereupon, it was upon motion of Jerry K. Horne, Commissioner, duly seconded by Gordon O. Lambert, President, voted on as follows:



Fourth 9th Day of November 1994

L.O. represents Land Owner

PETITION OF QUALIFIED VOTERS IN AREA TO BE ANNEXED BY TOWN OF KIMBALL

We, the undersigned qualified voters who reside in the territory shown on the attached map, do hereby PETITION the Town Council of the Town of Kimball, a West Virginia municipal corporation, to annex into its corporate limits said additional territory by adjusting its boundaries in accordance with West Virginia Code 8-6-4, as amended:

QUALIFIED VOTER'S SIGNATURE PRINTED NAME PLACE OF RESIDENCE

Kenneth A Mitchem Kenneth A Mitchem Big Four

Lori A. Burks Lori A. Burks Big Four

Sue England Sue England Big Four

L.O. Ethel England Ethel England

L.O. Junior England Junior England

Bobby England Bobby England

Urvian Church Urvian Church

Donnie Church Donnie Church

James Crowder James Crowder

Margaret Griffith Margaret Griffith

L.O. Joann Belcher Joann Belcher Big Four

L.O. Paul Belcher Paul H Belcher Big Four

L.O. Eldora Crawford ELORA CRAWFORD

Eddie Goodson Eddie Goodson Big Four

Scott Goodson Scott Goodson Big Four

Mary Alice Richardson MARY ALICE RICHARDSON Big Four

Bernard and Hershel Kaufman Bernard & Hershel KAUFMAN

9 NOV -9 AM 11:12

K.O. - represents h.o.

	Tracy L Wells	Big 4	Tracy L. WELLS.
0.	Delores Wells.	"	DELORES WELLS
0.	James E Harding.	"	JAMES E HARDING
0.	Gladys Harding	"	GLADYS HARDING
	Roger Black	"	ROGER BLACK
	Herbert Peaks	"	HERBERT PEAKS
	Brenda Black	"	BRENDA BLACK
2.	Donald J Day	"	DONALD DAY
0.	Wanda Day	"	WANDA DAY
	Karen L Scarborough	"	Karen L. Scarborough
	George Denton	"	George Denton
1	John Ray Justice	"	John Ray Justice
1	Jack Pivett	"	Jack Pivett
	Lisa Denton	"	Lisa Denton
	James Denton	"	James Denton
	Lora Burks	"	Lora Burks
	William Lester	"	William Lester
	Treasa Lester	"	Treasa Lester
1.	Willard Mitchem	"	Willard Mitchem
	Willard Mitchem Jr.	"	Willard Mitchem
	Hazel Mitchem	"	Hazel Mitchem
	Lyle Day	"	Lyle Day
	Stanely Roberts	"	Stanely Roberts
7.	Gerald Prader	"	Gerald Prader
	Susan Caskey	"	Susan Caskey
3	Bob Russell	Bob Russell	Starland Theater
	Betty Walker	Betty Walker	Big Four
	Warren Coleman	Warren Coleman	Big Four
0.	Dina Church		
0.	Mae S. Barta		

Fourth 9th Day of November 1994

L.O. - Land Owners

PETITION OF QUALIFIED VOTERS IN AREA TO BE ANNEXED BY TOWN OF KIMBALL

We, the undersigned qualified voters who reside in the territory shown on the attached map, do hereby PETITION the Town Council of the Town of Kimball, a West Virginia municipal corporation, to annex into its corporate limits said additional territory by adjusting its boundaries in accordance with West Virginia Code 8-6-4, as amended:

<u>QUALIFIED VOTER'S SIGNATURE</u>	<u>PRINTED NAME</u>	<u>PLACE OF RESIDENCE</u>
1. <u>Bonnie Privett</u>	<u>Bonnie Privett</u>	<u>Big Four hill</u>
2. <u>Eltruss & Dollress Gordon</u>	<u>Gordon, Eltruss^{Dollress}</u>	<u>Big Four hill</u>
3. <u>Wayne Gordon</u>	<u>Big Four Mt-1 Big Four EXXON Wayne Goodson</u>	<u>Big Four</u>
<u>Patricia Justice</u>	<u>Patricia Justice</u>	<u>Big Four Bottom</u>
<u>Doug Denton</u>	<u>Doug Denton</u>	<u>Big Four</u>
<u>Robert Harman</u>	<u>Robert Harman</u>	<u>Big Four</u>
<u>Patricia Mitchem</u>	<u>Patricia Mitchem</u>	<u>Big Four</u>
<u>Lisa Denton</u>	<u>Lisa Denton</u>	<u>Big Four</u>
<u>Roger Mitchem</u>	<u>Roger Mitchem</u>	<u>Big Four</u>
<u>William Crabtree</u>	<u>William Crabtree</u>	<u>Big Four</u>
<u>Ronald Campbell</u>	<u>RONALD CAMPBELL</u>	<u>Big Four</u>
4. <u>Willard Mitchem Jr</u>	<u>Willard Mitchem Jr.</u>	<u>Big Four</u>
<u>Darlene Goodson</u>	<u>Darlene Goodson</u>	<u>Big Four</u>

L.O. represents Land Owner

Kenneth Peaks	Kenneth Peaks	Big Four Bottom
Johnny Peaks	Johnny Peaks	Big Four Bottom
Laura Peaks	Laura Peaks	Big Four Bottom
Audrey Denton	Audrey Denton	11 11
George Denton	George Denton	11 11
Sam Greathead	SAM Greathead	Big Four
Mary Stanley	MARY STANLEY	Big Four
Doris Turner	DORIS TURNER	Big Four
Harold Turner	Harold Turner	Big Four
Thomas Greathead	Thomas Greathead	Big Four
Elith Saunders	Elith Saunders	Big Four
Opal Sawyers	OPAL SAWYERS	11 11
Archie Day	Archie Day	11 11
Sarah Day	SARAH DAY	11 11
Danny Peaks	Danny Peaks	11 11
Gaynelle Walker	Gaynelle Walker	Big Four Hill
Kathryn Brown	KATHRYN BROWN	Big Four
Brenda Denton	Brenda Denton	Big Four
David Denton	DAVID DENTON	Big Four
Charles Byrum	Charles BYRUM	Big Four
Louise Byrum	LOUISE BYRUM	Big Four
Freda Nave	FREDA NAVE	Big Four
James N. Pennington	James N. Pennington	Big Four
Ann Belcher	Ann Belcher	11 11
Alice Belcher	Alice Belcher	11 11
Teresa S. Lester	Teresa Lester	Big Four
William S. Lester	William S. Lester	Big Four
Maggie Roberts	Maggie Roberts	
Cecil Roberts	Cecil Roberts	

THE COUNTY COMMISSION OF McDOWELL COUNTY, W. VA.

Fourth

9th

Day of

November

1994

NOW, THEREFORE, BE IT RESOLVED:

First, that the City of Kimball proceed with the "First Phase" annexation of a portion of the unincorporated community of Big Four and an area known as Tidewater, McDowell County, West Virginia, by Minor Boundary Adjustment, currently pending before the McDowell County Commission.

Second, that immediately upon approval by the McDowell County Commission of said "First Phase" annexation proposal, the City of Kimball shall submit an application to the McDowell County Commission to annex additional portions of the Community of Big Four, known as the "Second Phase" annexation proposal, and shall forthwith set to work doing all things reasonable and necessary to effect such "Second Phase" annexation, including, but not limited to, mapping and advertising said proposal as required by law, and shall endeavor diligently to see to the approval and completion of such "Second Phase" annexation.

GIVEN UNDER MY HAND this the 8th day of November, 1994.

Jack Reno Jr
MAYOR OF KIMBALL

ATTEST:

Johnny J. Gearhart Sr
TOWN RECORDER

Fourth _____ 9th _____ Day of _____ November _____ 19⁹⁴.

RESOLUTION

At a regular meeting of the City Council of the City of Kimball, at City Hall, Kimball, West Virginia, on November 8, 1994, a quorum being then and there present, the following preambles and resolutions were proposed and adopted:

1. WHEREAS, the City of Kimball has pending before the County Commission of McDowell County, West Virginia, a proposal to annex a portion of the unincorporated community of Big Four, and an area known as Tidewater, McDowell County, West Virginia, by Minor Boundary Adjustment, pursuant to W. Va. Code 8-6-5; and,
2. WHEREAS, the citizens of Big Four, West Virginia, and representatives of the Big Four Community Action Group have proposed that the City of Kimball annex additional portions of the unincorporated community of Big Four, McDowell County, West Virginia, by Minor Boundary Adjustment, pursuant to W. Va. Code 8-6-5; and,
3. WHEREAS, all parties concerned deem it in the best interests of both the City of Kimball, and the communities of Big Four and Tidewater, that the City of Kimball annex such territories;

THE COUNTY COMMISSION OF McDOWELL COUNTY, W. VA.

Fourth _____ 9th _____ Day of _____ November _____ 1994.

WHEREAS, the City of Kimball has pending before the County Commission of McDowell County, West Virginia, a proposal to annex a portion of the unincorporated community of Big Four, and an area known as Tidewater, McDowell County, West Virginia, by Minor Boundary Adjustment, pursuant to W. Va. Code 8-6-5; and,

WHEREAS, the citizens of Big Four, West Virginia, and representatives of the Big Four Community Action Group have proposed that the City of Kimball annex additional portions of the unincorporated community of Big Four, McDowell County, West Virginia, by Minor Boundary Adjustment, pursuant to W. Va. Code 8-6-5; and,

WHEREAS, all parties concerned deem it in the best interests of both the City of Kimball, and the communities of Big Four and Tidewater, that the City of Kimball annex such territories;

NOW, THEREFORE, BE IT RESOLVED:

First, that the City of Kimball proceed with the "First Phase" annexation of a portion of the unincorporated community of Big Four and an area known as Tidewater, McDowell County, West Virginia, by Minor Boundary Adjustment, currently pending before the McDowell County Commission.

Second, that immediately upon approval by the McDowell County Commission of said "First Phase" annexation proposal, the City of Kimball shall submit an application to the McDowell County Commission to annex additional portions of the Community of Big Four, known as the "Second Phase" annexation proposal, and shall forthwith set to work doing all things reasonable and necessary to effect such "Second Phase" annexation, including but not limited to, mapping and advertising said proposal as required by law, and shall endeavor diligently to see the approval and completion of such "Second Phase" annexation.

Third, the "Second Phase" will be presented on the 14th day of December, 1994, with map and boundary to be advertised December 15, 1994, and December 22, 1994, and to be presented for approval on December 28, 1994.

Fourth, it is hereby ORDERED that the Annexation be APPROVED as presented and as stipulated with hearing and advertisement dates. It is FURTHER ORDERED that if the Town of Kimball does all things reasonable and necessary to effect such "Second Phase" annexation, including mapping and

Fourth 9th Day of November 1994

advertising said proposal as required by law, and diligently seeks the approval and completion of said "Second Phase" annexation, then the County Commission will not rescind the Order of the "First Phase" if the Town of Kimball has exercised good faith in seeking approval of the "Second Phase" annexation.

ORDER:

ENTER:

G. Mike Cortellesti
G. MIKE CORTELLESTI, COMMISSIONER

Jerry K. Horne
JERRY K. HORNE, COMMISSIONER

Gordon O. Lambert
GORDON O. LAMBERT, PRESIDENT

6jm
11/9/94

Fourth 14th Day of December 1994

LEGAL NOTICE

Notice is hereby given that a public hearing will be held on the 28th day of December, 1994, at 4:00 p.m. in the McDowell County Commission Building on the annexation by minor boundary adjustment to the Town of Kimball, McDowell County, West Virginia, more particularly described as follows, to-wit:

TIDEWATER

BEGINNING at an iron pin on the Highway right of way of U. S. 52 at the existing corporate line of the Town of Kimball; thence, North 32 degrees 42 minutes East 62 feet more or less to a point in the said Highway right of way; thence, in a Southeastern direction with said Highway right of way 450 feet more or less to a point; thence, North 56 degrees 39 minutes East 208 feet more or less to a point; thence, South 36 degrees 35 minutes East 1580 feet more or less to a point; thence 89 degrees 54 minutes East 243 feet more or less to an iron pin; thence, North 78 degrees 30 minutes East 127.40 feet to an iron pin; thence, South 21 degrees 39 minutes East 100.49 feet to an iron pin; thence, North 69 degrees 21 minutes East 15.87 feet to an iron pin; thence, South 25 degrees 35 minutes East 41.27 feet to an iron pin; thence, South 68 degrees 44 minutes West 154.82 feet to an iron pin; thence, South 74 degrees 16 minutes West 144 feet more or less to an iron pin; thence, South 35 degrees 19 minutes West 280 feet more or less to a point where Highway right of way and Norfolk and Southern Railroad right of way join; thence, North 36 degrees 35 minutes West 2320 feet more or less to the point of beginning.

MOUTH OF CARSWELL HOLLOW

BEGINNING at a point in the center line of the Old Side Tract Road, point being in the center line of the Old Side Tract Road, point being in the existing corporate line of the City of Kimball; thence, in a Northeasterly direction 440 feet more or less to a point in the center line of said Side Tract Road; thence, in a Northeasterly direction with a fence line 150 feet more or less to a point in the edge of the Old Carswell side road; thence, in a Southeasterly direction 300 feet more or less to a point at the inside corner of said road; thence, with edge of said road crossing Carswell Hollow Road Route 52/6 to a point in the edge of said road; thence, with edge of said road in a Southerly direction to a point in the existing corporate line; thence, with said line back to the point of beginning.

BIG FOUR

BEGINNING at a point on the Norfolk and Southern Railroad, point being a railroad spike located behind the Save-A-Lot store; thence, in a Northwesterly direction 500 feet more or less, to a point 100 feet North West of highway Route 52; thence, parallel 100 feet from

Fourth

14th

Day of

December

1994

BIG FOUR CONT'D

from said highway right of way in a South East direction toward Kimball to an iron pin at a corner of Lot 68 of the Sam Day Subdivision of Big Four; thence, Northeasterly 2430 feet more or less to a set stone at the North East corner of a 15 acre tract known as the Starland Theater property; thence, in a Southeasterly direction 500 feet more or less to a point of a .479 acre tract of Harold Wright; thence, in a Northeasterly direction 900 feet more or less to a point; thence, in a Southeasterly direction 300 feet more or less to a point in U. S. Highway 52; thence, in a Northeasterly direction toward Kimball to the existing corporate line of Norfolk and Southern Railroad; thence, in a Northwesterly direction with said railroad to the North West corner of a church lot; thence, in a Southeasterly direction 450 feet more or less to a point; thence, in a Southwesterly direction 2,610 feet more or less to a point; thence, in a Northeasterly direction 600 feet more or less to a point at the railroad tunnel, point being the corner of K-Mart property; thence, with the Norfolk and Southern Railroad towards Welch back to the point of beginning.

ORDER:

ENTER:

GORDON O. LAMBERT, PRESIDENT
 G. MIKE CORTELLESI, COMMISSIONER
 JERRY K. HORNE, COMMISSIONER

THE COUNTY COMMISSION OF MCDOWELL COUNTY
STATE OF WEST VIRGINIA

APPLICATION FOR ANNEXATION BY
MINOR BOUNDARY ADJUSTMENT TO
THE TOWN OF KIMBALL,
MCDOWELL COUNTY WEST VIRGINIA

TO THE HONORABLE COMMISSIONERS OF THE COUNTY
COMMISSION OF MCDOWELL COUNTY, WEST VIRGINIA:

The undersigned governing body of the Town of Kimball, the Kimball Town Council, respectfully file this their duly verified application to the County Commission of McDowell County, West Virginia, and say as provided by Section 5, Article 6, Chapter 8, of the Official Code of West Virginia, 1931, as amended:

1. That the unincorporated territory sought to be annexed by the Town of Kimball, is contiguous to the aforesaid Town of Kimball and is wholly within McDowell County, West Virginia and in Browns Creek District thereof and does not include any territory within the corporate limits of any existing municipality.

2. That there are, based upon information and belief, approximately one hundred twenty five (125) persons residing in the aforesaid territory to be annexed to the corporate limits by the proposed change.

3. That attached to this application are accurate maps showing the mete and bounds of the territory sought to be annexed; said attachments are marked as Exhibits "A", "B", and "C" to this application and incorporated in this application by reference.

4. That the parcels of land which the town council seeks to have incorporated in the town limits of said Town of Kimball are

located in Browns Creek District, McDowell County, West Virginia and is more particularly described as follows:

Tidewater

Beginning at an iron pin on the Highway right of way of U.S. 52 at the existing corporate line of the town of Kimball, thence North 32 degrees 42 minutes East 62 feet more or less to a point in the said Highway right of way, thence in a Southeastern direction with said Highway right of way 450 feet more or less to a point, thence North 56 degrees 39 minutes East 208 feet more or less to a point, thence South 36 degrees 35 minutes East 1580 feet more or less to a point, thence North 89 degrees 54 minutes East 243 feet more or less to an iron pin, thence North 78 degrees 30 minutes East 127.40 feet to an iron pin, thence South 21 degrees 39 minutes East 100.49 feet to an iron pin, thence North 69 degrees 21 minutes East 15.87 feet to an iron pin, thence South 25 degrees 35 minutes East 41.27 feet to an iron pin, thence South 68 degrees 44 minutes West 154.82 feet to an iron pin, thence South 74 degrees 16 minutes West 144 feet more or less to an iron pin, thence South 35 degrees 19 minutes West 280 feet more or less to a point where Highway right of way and Norfolk and Southern Railroad right of way join, thence North 36 degrees 35 minutes West 2320 feet more or less to the point of beginning.

Mouth of Carswell Hollow

Beginning at a point in the center line of the Old Side Track Road, point being in the existing corporate line of the City of Kimball, thence in a Northeasterly direction 440 feet more or less to a point in the center line of said Side Track Road, thence in a Northeasterly direction with fence line 150 feet more or less to a point in the edge of the Old Carswell side road, thence in a Southeasterly direction 300 feet more or less to a point at the inside corner of said road, thence with edge of said road crossing Carswell Hollow Road Route 52/6 to a point in the edge of said road, thence with edge of said road in a Southerly direction to a point in the existing corporate line, thence with said line back to the point of beginning.

Big Four

Beginning at a point on the Norfolk and Southern Railroad, point being a railroad spike located behind the Save-A-Lot store, thence in a Northwesterly direction 500 feet more or less, to a point 100 feet North West of highway route 52, thence parallel 100 feet from said highway right of way in a South East direction toward Kimball to an iron pin at the corner of lot 68 of the Sam Day Subdivision of Big Four, thence North-easterly 2430 feet more or less to a set stone at the North East corner of a 15 acre tract known as the Starland Theater property, thence in a South-easterly direction 500 feet more or less to a point of a .479 acre tract of Harold Wright, thence in a Northeasterly direction 900 feet more or less to a point, thence in a Southeasterly direction 300 feet more or less to a point in U.S. Highway 52, thence in a Northeasterly direction toward Kimball to the existing corporate line of Kimball, thence with the said line 400 feet more or less to a point in the Norfolk and Southern Railroad, thence in a Northwesterly direction with said railroad to the North West corner of a church lot, thence in a Southeasterly direction 450 feet more or less to a point, thence in a Southwesterly direction 2,610 feet more or less to a point, thence in a Northeasterly direction 600 feet more or less to a point at the railroad tunnel, point being the corner of Kmart property, thence with the Norfolk and Southern Railroad towards Welch back to the point of beginning.

5. The town Council of the Town of Kimball desires to have said parcels of land incorporated into the corporate limits of the Town of Kimball for the following reasons:

- (a) That the improvements constructed on said parcels of land, are attractive business and schools and will make desirable additions to the town;
- (b) That the incorporation of said parcels in said town limits will assist the town in event of further expansion of said town limits;
- (c) That the incorporation of said parcels to the

town can be taken at a minimum of expense;

(d) That the incorporation of said property in the corporate limits will increase tax revenue and other revenues to the town.

6. That the incorporation of the aforesaid territory is a minor boundary adjustment.

WHEREFORE, the Kimball Town Council prays that the town limits of the Town of Kimball, McDowell County, West Virginia, may be extended in such manner as to include and incorporate therein the parcels of land herein described; that the County Commission shall make publication of a notice of the proposed increase in the corporate limits and of a date and time set on a hearing on such proposal.

That publication of said notice be as a class II-0 legal advertisement in compliance with the provisions of Article 3, Chapter 59 of the official Code of West Virginia, 1931, as amended; that legal notice shall be prominently posted at not less than five (5) public places within the areas proposed to be annexed and to do all other things necessary, convenient and lawful to accomplish said annexation.

All of which is most respectfully submitted this 6th day of DECEMBER, 1994.

ATTEST:

BY: John J. Gravatt Sr.
ITS CLERK

THE TOWN OF KIMBALL, A MUNICIPAL CORPORATION

BY: Jack Tremblay
ITS MAYOR

Fourth 11th 14th Day of December 19 94

RESOLUTION TO ANNEX PROPERTY

WHEREAS: The Town of Kimball, town council, desires to annex a certain unincorporated territory contiguous to the Town of Kimball; and,

WHEREAS: The town council of the Town of Kimball, believes that the improvements constructed on said parcels of land, are attractive businesses and schools and will make desirable additions to the town; and,

WHEREAS: The town council of the Town of Kimball believes that the incorporation of said parcels in said town limits will assist the town in event of further expansion of said town limits; and,

WHEREAS: The town council of the Town of Kimball believes that the incorporation of said parcels to the town can be taken at a minimum of expense; and,

WHEREAS: The town council of the Town of Kimball, believes that the incorporation of said property in the town corporate limits will increase tax revenue and other revenue to the Town; and,

WHEREAS: The town council of the Town of Kimball believes that the incorporation of said parcels can be achieved by a minor boundary adjustment; and,

WHEREAS: The property sought to be annexed to the town limits to the Town of Kimball, is more particularly described on Exhibits "A", "B", "C", "D", "E", and "F" attached to this resolution and made a part hereof.

Fourth

14th

Day of

December

1994

BE IT RESOLVED: That the town council Town of Kimball, by the Honorable Mayor of said Town, apply to the County Commission of McDowell County, West Virginia, for annexation of real estate shown on Exhibits "A", "B", "C", "D", "E" and "F" of this resolution to the Town of Kimball, attached hereto, by minor boundary adjustment; and,

BE IT FURTHER RESOLVED: That the Mayor of said Town be empowered to sign any and all papers, applications and/or deeds necessary to annex the aforesaid property, and that the Clerk of said Town of Kimball, shall attest any and all papers, applications and/or deeds necessary to annex the aforesaid property and be empowered to do the same.

DATED this 14th day of December, 1994.

James J. Grant
COUNCIL MEMBER

John J. Grants Sr
COUNCIL MEMBER

Jerr Battle
COUNCIL MEMBER

James H. Eubanks Sr.
COUNCIL MEMBER

James Battle
COUNCIL MEMBER

Fourth 14th Day of December 1994

Big Four

Beginning at a point on the Norfolk and Southern Railroad, point being a railroad spike located behind the Save A Lot store, thence in a Northwesterly direction 500 feet more or less, to a point 100 feet North West of highway route 52, thence parallel 100 feet from said highway right of way in a South East direction toward Kimball to an iron pin at the corner of lot 68 of the Sam Day Subdivision of Big Four, thence Northeasterly 2430 feet more or less to a set stone at the North East corner of a 15 acre tract known as the Starland Theater property, thence in a Southeasterly direction 500 feet more or less to a point of a .479 acre tract of Harold Wright, thence in a Northeasterly direction 900 feet more or less to a point, thence in a Southeasterly direction 300 feet more or less to a point in U.S. Highway 52, thence in a Northeasterly direction toward Kimball to the existing corporate line of Kimball, thence with the said line 400 feet more or less to a point in the Norfolk and Southern Railroad, thence in a Northwesterly direction with said railroad to the North West corner of a church lot, thence in a Southeasterly direction 450 feet more or less to a point, thence in a Southwesterly direction 2,610 feet more or less to a point, thence in a Northeasterly direction 600 feet more or less to a point at the railroad tunnel, point being the corner of Kmart property, thence with the Norfolk and Southern Railroad towards Welch back to the point of beginning.

Fourth Term 14th Day of December 1994.

Mouth of Carswell Hollow

Beginning at a point in the center line of the old Side Track Road, point being in the existing corporate line of the City of Kimball, thence in a Northeasterly direction 440 feet more or less to a point in the center line of said Side Track Road, thence in a Northeasterly direction with fence line 150 feet more or less to a point in the edge of the Old Carswell side road, thence in a Southeasterly direction 300 feet more or less to a point at the inside corner of said road, thence with edge of said road crossing Carswell Hollow Road Route 52/6 to a point in the edge of said road, thence with edge of said road in a Southerly direction to a point in the existing corporate line, thence with said line back to the point of beginning.

THE COUNTY COMMISSION OF McDOWELL COUNTY, W. VA.

Fourth

14th

Day of

December

1994

Tidewater

Beginning at an iron pin on the Highway right of way of U.S. 52 at the existing corporate line of the town of Kimball, thence North 32 degrees 42 minutes East 62 feet more or less to a point in the said Highway right of way, thence in a Southeastern direction with said Highway right of way 450 feet more or less to a point, thence North 56 degrees 39 minutes East 208 feet more or less to a point, thence South 36 degrees 35 minutes East 1580 feet more or less to a point, thence North 89 degrees 54 minutes East 243 feet more or less to an iron pin, thence North 78 degrees 30 minutes East 127.40 feet to an iron pin, thence South 21 degrees 39 minutes East 100.49 feet to an iron pin, thence North 69 degrees 21 minutes East 15.87 feet to an iron pin, thence South 25 degrees 35 minutes East 41.27 feet to an iron pin, thence South 68 degrees 44 minutes West 154.82 feet to an iron pin, thence South 74 degrees 16 minutes West 144 feet more or less to an iron pin, thence South 35 degrees 19 minutes West 280 feet more or less to a point where Highway right of way and Norfolk and Southern Railroad right of way joins thence North 36 degrees 35 minutes West 2320 feet more or less to the point of beginning.

MCDOWELL COUNTY COMMISSION MEETING
DECEMBER 28, 1994
PAGE 2

approved for payment upon the availability of funds.

It was upon motion of G. Mike Cortellesi, Commissioner, duly seconded by Jerry K. Horne, Commissioner, voted on as follows:

- Jerry K. Horne Yes
- G. Mike Cortellesi Yes
- Gordon O. Lambert Yes

it is hereby ORDERED that probate be APPROVED as presented.

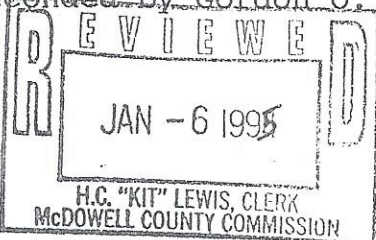
The Commissioners by Gordon O. Lambert, President, presented to Judy Hatfield, Coordinator of Community Resources and Utilization, a plaque and resolution naming her McDowell County's 1994 Citizen of the year, honoring her and in recognition of her dedication to the people of McDowell County.

With there being no protests, it was upon motion of Gordon O. Lambert, President, duly seconded by Jerry K. Horne, Commissioner, voted on as follows:

- Jerry K. Horne Yes
- G. Mike Cortellesi Yes
- Gordon O. Lambert Yes

it is hereby ORDERED that the annexation of Big Four as publicized and presented, be accepted effective this day.

It was upon motion of G. Mike Cortellesi, Commissioner, duly seconded by Gordon O. Lambert, President, voted on as follows:



- Jerry K. Horne Yes
- G. Mike Cortellesi Yes
- Gordon O. Lambert Yes

it is hereby ORDERED that the right-of-way easement presented by the McDowell County PSD relative to the Hemphill/Capels Havaco/Wilcoe/Premier water project, be accepted.

Correspondence dated December 16, 1994, was received from the Public Employees Insurance Agency regarding payment of delinquent premium contributions for retirees in the PEIA Health Plan. Thereupon, it was upon motion of Gordon O. Lambert, President, duly seconded by Jerry K. Horne, Commissioner, voted on as follows: