

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 5th day of November, 1992, the following order was made and entered:

In the Matter of the Village of  
Barboursville, a municipal corporation


No. 921749

On a former day, to-wit, September 30, 1992, came the petitioners, Roger Moore, Keith G. Donahue, R.E.X., Inc., a corporation, Forest R. Donahue and Barbara J. Donahue, by Nelson, Hager & Pancake, and James E. Nelson, their attorneys, and presented to the Court their petition praying for an appeal from a judgment of the Circuit Court of Cabell County, rendered on the 27th day of May, 1992, with the record therein accompanying the petition. Previously, on the 29th day of September, 1992, came the respondent, the Village of Barboursville, a municipal corporation, by Kopelman, Collins & Dodrill, and James A. Dodrill, its attorneys, and presented to the Court its written response in opposition thereto.

Upon consideration whereof, the Court is of opinion to and doth hereby refuse said petition for appeal.

A True Copy

Attest:

  
Clerk, Supreme Court of Appeals

Received 6-18-92 27

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

IN THE MATTER OF THE VILLAGE  
OF BARBOURSVILLE, a municipal  
corporation,

Petitioner.

At a regular term of Circuit Court continued and held in and for the  
County of Cabell, State of West Virginia, at the Court House  
thereof on the 27 day of MAY, 1992,  
the following order was made and entered

CIVIL ACTION NO. 92-C-1722

ORDER

On May 26, 1992, came the Village of Barboursville, by  
James A. Dodrill, its counsel, and came also Roger Moore, et al.,  
proposed intervenors, by James E. Nelson, their counsel, all for  
the purpose of a hearing on the petition of the proposed  
intervenors to intervene in this action and on the petitioner's  
application for a writ of error. And the Court, having previously  
required the petitioner and the proposed intervenors to submit  
memoranda addressing standing of the proposed intervenors and  
having considered such memoranda filed in this action, inquired of  
counsel present at the hearing whether counsel desired oral  
argument to the Court on the subject of standing. In response,  
counsel advised the Court that they had nothing to add to the  
matters addressed in their memoranda.

Whereupon, the Court, after considering the pleadings and  
other papers filed herein is of the opinion to, and does, find as  
a matter of law that the proposed intervenors lack standing to  
intervene and become parties to this action as they are not  
freeholders of the proposed area to be annexed. Further, the Court  
finds that the argument of the proposed intervenors that a  
transcript of the hearing before the Cabell County Commission on

JAMES A. DODRILL, 9 PENNSYLVANIA AVE., CHARLESTON, WV 25302

ILANIL H. GARTIN  
CABELL COUNTY  
CLERK

26. M4 to C  
9 JUN 1992

May 1, 1992 is required for proper adjudication of this matter is without merit. It is, therefore, ORDERED that the petition of Roger Moore, et al. to intervene in this action is denied. Roger Moore, et al., by counsel, object and except to the findings and order of the Court as set forth hereinabove.

The Court then proceeded to consider the application of the petitioner for a writ of error. In support of its application, the petitioner submitted several exhibits consisting of documents and other tangible evidence previously submitted to the Cabell County Commission during the annexation application and hearing process. The Court hereby finds that the record made and submitted in this action of the proceedings held and conducted before the Cabell County Commission is complete and proper and finds further that the exhibits are in proper form and order, thus enabling the Court to proceed to consider the merits of this application.

After considering the record of the proceedings conducted before the Cabell County Commission with regard to the petitioner's application for annexation by minor boundary adjustment and, further, after considering the law of this State and precedents of this Court with regard to annexation of territory by municipalities such as the petitioner, the Court finds as follows:

1. The application of the petitioner for annexation by minor boundary adjustment submitted to the Cabell County Commission on or about April 6, 1992, was a proper application and was sufficient in all respects;

2. The area proposed to be annexed constitutes a minor boundary adjustment to the petitioner's municipal corporate limits;

3. The notice of public hearing of the Cabell County Commission was proper and such was properly published and posted in the area to be annexed in accordance with law;

4. At the hearing conducted before the Cabell County Commission on May 1, 1992, there were no freeholders of the area proposed to be annexed in attendance and there was no evidence of any opposition to the petitioner's application by any such freeholder presented to the Cabell County Commission;

5. In refusing the application of the petitioner in the absence of substantial or any opposition to the application by freeholders of the area proposed to be annexed the Cabell County Commission exceeded its authority under law.

It is, therefore, ADJUDGED, ORDERED, and DECREED that the decision of the Cabell County Commission of May 4, 1992, denying the application of the Village of Barboursville for annexation by minor boundary adjustment is reversed. From and after the entry of this Order the area sought to be annexed by the Village of Barboursville in the application presented to the Cabell County Commission on or about April 6, 1992, shall be and constitute a part of the municipal corporate limits of the Village of Barboursville.

A certified copy of this Order along with the metes and bounds descriptions and maps of the area annexed by the Order shall be recorded in the office of the Clerk of the County Commission of Cabell County, West Virginia, in the manner appropriate for the recording of instruments relating to annexation of territory by municipalities.

ENTERED this 27<sup>TH</sup> day of May, 1992.

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/S/ JOHN L. CUMMINGS

Judge

Prepared for entry by:



James A. Dodrill  
KOPELMAN, COLLINS & DODRILL  
9 Pennsylvania Avenue  
Charleston, West Virginia 25302  
(304) 345-2889  
Counsel for Petitioner

A copy, Teste:



Circuit Clerk

US ROUTE 60 RIGHT-OF-WAY NEAR THE MALL TO BE ANNEXED

All that certain lot, piece or parcel of land situate in Barboursville District, Cabell County, West Virginia, and intended to be all of the West Virginia Department of Transportation, Highways Division, right-of-way for U.S. Route 60 from the existing Barboursville corporation line just east of the Mall Road to the CSX Railroad right-of-way, and being more particularly described as follows:

Beginning at the existing Barboursville corporation line and U.S. Route 60 Station 605+18, 80 feet left;

thence along and with the said U.S. Route 60 right-of-way said point being the beginning of a curve, concave southeasterly, Having a radius of 2946.79 feet and a central angle of  $14^{\circ}35'23''$ ; thence northeasterly along the arc of said curve to the right, a distance of 750.37 feet to a point of intersection with a non-tangent line;

thence North  $15^{\circ}42'01''$  West, a distance of 10.00 feet; to a point of intersection with a non-tangent curve, concave southerly, from which the local tangent bears North  $74^{\circ}17'59''$  East, Having a radius of 2956.79 feet and a central angle of  $04^{\circ}02'14''$ , thence easterly along the arc of said curve to the right, a distance of 208.34 feet to a point of intersection with a non-tangent line;

thence North  $11^{\circ}39'47''$  West, a distance of 10.00 feet; to a point of intersection with a non-tangent curve, concave southerly, from which the local tangent bears North  $78^{\circ}20'13''$  East, Having a radius of 2966.79 feet and a central angle of  $12^{\circ}15'05''$ , thence easterly along the arc of said curve to the right, a distance of 634.38 feet to a point of intersection with a non-tangent line;

thence North  $00^{\circ}35'18''$  East, a distance of 30.00 feet; to a point of intersection with a non-tangent curve, concave southerly, from which the local tangent bears South  $89^{\circ}24'42''$  East, Having a radius of 2996.79 feet and a central angle of  $02^{\circ}46'04''$ , thence easterly along the arc of said curve to the right, a distance of 144.77 feet to a point of compound curvature with a curve, concave southerly, Having a radius of 2770.74 feet and a central angle of  $08^{\circ}13'33''$ , thence easterly along the arc of said curve to the right, a distance of 397.79 feet to the curve's end;

thence South  $78^{\circ}24'57''$  East, a distance of 312.06 feet to Station 628+92.67, 130 feet left and is also in the right-of-way for the CSX Railroad;

thence along and with said CSX right-of-way South  $65^{\circ}34'33''$  a distance of 306.17 feet;

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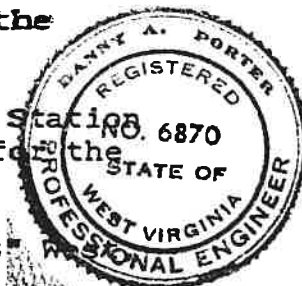


EXHIBIT A  
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thence North  $78^{\circ}24'57''$  West, a distance of 64.38 feet; to the beginning of a curve, concave southerly, Having a radius of 2590.74 feet and a central angle of  $08^{\circ}13'33''$ , thence westerly along the arc of said curve to the left, a distance of 371.95 feet to a point of compound curvature with a curve, concave southerly, Having a radius of 2816.79 feet and a central angle of  $02^{\circ}01'42''$ , thence westerly along the arc of said curve to the left, a distance of 99.72 feet to a point of intersection with a non-tangent line;

thence South  $19^{\circ}54'16''$  East, a distance of 32.21 feet; to a point of intersection with a non-tangent curve, concave southerly, from which the local tangent bears North  $88^{\circ}25'56''$  West, Having a radius of 2786.79 feet and a central angle of  $30^{\circ}19'39''$ , thence westerly along the arc of said curve to the left, a distance of 1475.08 feet to a point of intersection with a non-tangent line;

thence North  $28^{\circ}45'35''$  West, a distance of 30.00 feet; to a point of intersection with a non-tangent curve, concave southeasterly, from which the local tangent bears South  $61^{\circ}14'25''$  West, Having a radius of 2816.79 feet and a central angle of  $02^{\circ}02'51''$ , thence southwesterly along the arc of said curve to the left, a distance of 100.65 feet to a point of intersection with a non-tangent line;

thence North  $19^{\circ}14'11''$  West, a distance of 132.57 feet, to the POINT OF BEGINNING; Containing 8.9767 acres of land, more or less.



NICHOLS SCHOOL ROAD, STATE LOCAL SERVICE ROUTE 60/90

All that certain lot, piece or parcel of land situate in Barboursville District, Cabell County, West Virginia, and intended to be all of the West Virginia Department of Transportation, Highways Division, right-of-way for State Local Service Route 60/90, Nichols School Road, which extends from the U.S. Route 60 right-of-way to the school property line, and being more particularly described as follows:

Beginning at U.S. Route 60 Station 619+99.66, 100 feet left and Nichols School Road Station 1+06.50, 19.60 feet left;

thence along and with said Nichols School Road North  $04^{\circ}02'47''$  West, a distance of 61.26 feet;

thence North  $04^{\circ}00'00''$  East, a distance of 32.98 feet;

thence North  $20^{\circ}40'00''$  East, a distance of 75.94 feet;

thence South  $62^{\circ}11'00''$  East, a distance of 5.00 feet;

thence North  $27^{\circ}49'00''$  East, a distance of 119.00 feet; to the beginning of a curve, concave westerly, Having a radius of 227.13 feet and a central angle of  $36^{\circ}34'00''$ , thence northeasterly along the arc of said curve to the left, a distance of 144.96 feet to the curve's end;

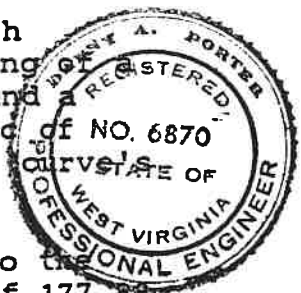
thence North  $08^{\circ}45'00''$  West, a distance of 139.00 feet;

thence crossing said Nichols School Road at the school property fence North  $81^{\circ}15'00''$  East, a distance of 30.00 feet;

thence continuing with said school road right-of-way South  $08^{\circ}45'00''$  East, a distance of 139.00 feet; to the beginning of a curve, concave westerly, Having a radius of 257.13 feet and a central angle of  $36^{\circ}34'00''$ , thence southerly along the arc of said curve to the right, a distance of 164.10 feet to the curve's end;

thence South  $27^{\circ}49'00''$  West, a distance of 119.00 feet; to the beginning of a curve, concave easterly, Having a radius of 177.86 feet and a central angle of  $13^{\circ}36'00''$ , thence southwesterly along the arc of said curve to the left, a distance of 42.22 feet to the curve's end;

thence South  $14^{\circ}13'00''$  West, a distance of 19.00 feet; to the beginning of a curve, concave easterly, Having a radius of 189.59 feet and a central angle of  $27^{\circ}42'14''$ , thence southerly along the arc of said curve to the left, a distance of 91.67 feet to a point of intersection with a non-tangent curve, concave southerly, from which the local tangent bears North  $89^{\circ}59'39''$  West, Having a radius of 2966.79 feet and a central angle of  $00^{\circ}41'00''$ , thence westerly along the arc of said curve to the



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left, a distance of 35.38 feet to the curve's end, and the POINT  
OF BEGINNING; Containing 0.4117 acres of land, more or less.

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EXHIBIT B  
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DESCRIPTION OF US ROUTE 60 R/W TO BE ANNEXED FROM GUYANDOTTE  
RIVER WEST TO PRESENT BARBOURSVILLE CORPORATION LIMIT NEAR GUYAN  
COUNTRY CLUB

All that certain lot, piece or parcel of land situate in Barboursville and Guyandotte Districts, Cabell County, West Virginia on the waters of the Guyandotte River and intended to be on the West Virginia Department of Transportation, Highways Division, right-of-way for U.S. Route 60 from Barboursville's existing corporation existing limit at Station 365+00 to Barboursville's corporation limit at the low-water mark on the east side of the Guyandotte River which is approximate Station 482+78, more particularly described as follows:

Beginning at U.S. Route 60 Station 365+00, CENTERLINE, West Virginia Department of Transportation, Highways Division, Project F 187(19) and also being the present Barboursville corporation line;

thence North 19°43'00 " East, a distance of 50.00 feet;

thence along and with said U.S. Route 60 right-of-way South 70°17'00" East, a distance of 151.47 feet;

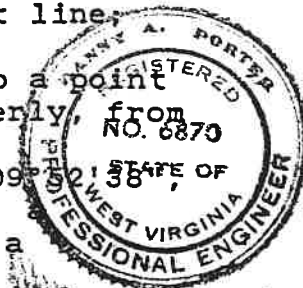
thence North 19°43'00" East, a distance of 15.00 feet;

thence South 70°17'00" East, a distance of 63.93 feet;

thence South 27°05'10" West, a distance of 15.12 feet;

thence South 70°17'00" East, a distance of 21.78 feet; to the beginning of a curve, concave northerly, Having a radius of 1512.61 feet and a central angle of 02°32'54", thence easterly along the arc of said curve to the left, a distance of 61.38 feet to a point of intersection with a non-tangent line;

thence North 26°48'18" East, a distance of 5.07 feet; to a point of intersection with a non-tangent curve, concave northerly, from which the local tangent bears South 72°51'50" East, Having a radius of 1507.61 feet and a central angle of 09°52'38", thence easterly along the arc of said curve to the left, distance of 259.88 feet to a point of intersection with a non-tangent line;



thence North 07°15'32" East, a distance of 10.00 feet; to a point of intersection with a non-tangent curve, concave northerly, from which the local tangent bears South 82°44'28" East, having a radius of 1497.64 feet and a central angle of 17°29'32", thence easterly along the arc of said curve to the left, a distance of 457.18 feet to the curve's end;

thence North 79°46'00" East, a distance of 146.58 feet;

thence North 10°11'42" West, a distance of 15.00 feet;

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thence North 79°46'00" East, a distance of 363.61 feet;  
 thence North 10°14'00" West, a distance of 45.00 feet;  
 thence North 79°46'00" East, a distance of 450.00 feet;  
 thence South 10°14'00" East, a distance of 15.00 feet;  
 thence North 79°46'00" East, a distance of 350.00 feet;  
 thence South 10°14'00" East, a distance of 30.00 feet;  
 thence North 79°46'00" East, a distance of 100.00 feet;  
 thence South 10°14'00" East, a distance of 25.00 feet;  
 thence North 79°46'00" East, a distance of 200.00 feet;  
 thence South 10°14'00" East, a distance of 10.00 feet;  
 thence North 79°46'00" East, a distance of 643.36 feet;  
 thence North 24°43'46" West, a distance of 56.81 feet;

thence North 79°46'00" East, a distance of 393.76 feet; to the beginning of a curve, concave northerly, Having a radius of 17088.73 feet and a central angle of 01°00'00", thence easterly along the arc of said curve to the left, a distance of 298.25 feet to the curve's end;

thence North 78°46'00" East, a distance of 77.02 feet;  
 thence North 11°14'00" West, a distance of 15.00 feet;  
 thence North 78°46'00" East, a distance of 550.20 feet;  
 thence North 11°14'00" West, a distance of 35.00 feet;  
 thence North 78°46'00" East, a distance of 279.35 feet;  
 thence South 08°06'00" East, a distance of 15.00 feet;  
 thence North 38°44'51" East, a distance of 20.61 feet;

thence North 77°54'47" East, a distance of 114.87 feet; to a point of intersection with a non-tangent curve, concave southerly, from which the local tangent bears North 78°54'43" East, Having a radius of 5864.58 feet and a central angle of 01°52'18", thence easterly along the arc of said curve to the right, a distance of 191.58 feet to a point of intersection with a non-tangent line;

thence South 09°12'59" East, a distance of 55.00 feet; to a point



of intersection with a non-tangent curve, concave southerly, from which the local tangent bears North 80°47'01" East, Having a radius of 5809.58 feet and a central angle of 03°00'59", thence easterly along the arc of said curve to the right, a distance of 305.85 feet to the curve's end;

thence North 83°48'00" East, a distance of 552.36 feet;

thence North 06°12'00" West, a distance of 90.00 feet;

thence North 83°48'00" East, a distance of 440.26 feet; to the beginning of a curve, concave northerly, Having a radius of 5559.58 feet and a central angle of 02°35'51", thence easterly along the arc of said curve to the left, a distance of 252.03 feet to a point of intersection with a non-tangent line;

thence South 08°47'51" East, a distance of 113.76 feet; to a point of intersection with a non-tangent curve, concave northerly, from which the local tangent bears North 81°12'09" East, Having a radius of 11,390.00 feet and a central angle of 03°00'00", thence easterly along the arc of said curve to the left, a distance of 298.18 feet to a point of intersection with a non-tangent line;

thence North 11°47'51" West, a distance of 63.76 feet; to a point of intersection with a non-tangent curve, concave northerly, from which the local tangent bears North 78°12'09" East, Having a radius of 5609.58 feet and a central angle of 01°36'09", thence easterly along the arc of said curve to the left, a distance of 156.90 feet to the curve's end;

thence North 76°36'00" East, a distance of 114.74 feet;

thence South 13°24'00" East, a distance of 40.00 feet;

thence North 76°36'00" East, a distance of 308.27 feet;

thence North 76°36'00" East, a distance of 348.07 feet;

thence South 13°24'00" East, a distance of 25.00 feet;

thence North 76°36'00" East, a distance of 570.00 feet;

thence South 13°24'00" East, a distance of 15.00 feet;

thence North 76°36'00" East, a distance of 914.50 feet;

thence North 13°24'00" West, a distance of 20.00 feet;

thence North 76°36'00" East, a distance of 65.00 feet;

thence South 13°24'00" East, a distance of 20.00 feet;

thence North 76°36'00" East, a distance of 1218.50 feet;



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EXHIBIT C  
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thence North 74°32'24" East, a distance of 139.09 feet;  
 thence North 74°55'39" East, a distance of 68.53 feet;  
 thence North 75°01'50" East, a distance of 109.54 feet;  
 thence North 16°15'45" West, a distance of 10.01 feet;  
 thence North 76°36'00" East, a distance of 517.50 feet;  
 thence North 13°24'00" West, a distance of 30.00 feet;  
 thence North 76°36'00" East, a distance of 146.00 feet;  
 thence South 13°24'00" East, a distance of 90.00 feet;  
 thence South 13°24'00" East, a distance of 110.00 feet;  
 thence South 76°36'00" West, a distance of 426.00 feet;  
 thence North 30°05'57" West, a distance of 10.44 feet;  
 thence South 76°36'00" West, a distance of 209.00 feet;  
 thence North 13°24'00" West, a distance of 10.00 feet;  
 thence South 76°36'00" West, a distance of 198.00 feet;  
 thence North 13°24'00" West, a distance of 10.00 feet;  
 thence South 76°36'00" West, a distance of 122.00 feet;  
 thence North 13°24'00" West, a distance of 10.00 feet;  
 thence South 76°36'00" West, a distance of 165.00 feet;  
 thence North 13°24'00" West, a distance of 20.00 feet;  
 thence South 86°54'17" West, a distance of 55.90 feet;  
 thence South 76°36'00" West, a distance of 85.00 feet;  
 thence South 76°36'00" West, a distance of 92.50 feet;  
 thence South 76°36'00" West, a distance of 1604.61 feet;  
 thence South 13°24'00" East, a distance of 25.00 feet;  
 thence South 76°36'00" West, a distance of 242.89 feet;  
 thence North 13°24'00" West, a distance of 10.00 feet;  
 thence South 76°36'00" West, a distance of 201.00 feet;



thence North 13°24'00" West, a distance of 15.00 feet;  
 thence South 76°36'00" West, a distance of 271.00 feet;  
 thence South 13°24'00" East, a distance of 15.00 feet;  
 thence South 76°36'00" West, a distance of 292.39 feet;  
 thence North 13°24'00" West, a distance of 15.00 feet;  
 thence South 76°36'00" West, a distance of 128.68 feet;  
 thence South 77°18'04" West, a distance of 264.77 feet;  
 thence South 19°50'26" East, a distance of 35.30 feet;  
 thence South 78°05'09" West, a distance of 72.50 feet;  
 thence South 13°24'00" East, a distance of 35.04 feet;  
 thence South 76°36'00" West, a distance of 89.74 feet;  
 thence South 78°16'35" West, a distance of 341.36 feet;  
 thence North 55°42'39" East, a distance of 110.82 feet;  
 thence South 79°22'18" West, a distance of 361.25 feet;  
 thence South 81°46'00" West, a distance of 767.87 feet;  
 thence South 81°07'48" West, a distance of 399.59 feet;  
 thence South 06°40'35" East, a distance of 25.00 feet;  
 thence South 79°45'05" West, a distance of 390.87 feet;  
 thence South 79°46'00" West, a distance of 676.17 feet;  
 thence North 15°00'45" East, a distance of 49.75 feet;  
 thence South 79°46'00" West, a distance of 381.66 feet;  
 thence South 11°14'00" East, a distance of 55.91 feet;  
 thence South 78°46'00" West, a distance of 27.01 feet;  
 thence South 78°48'17" West, a distance of 23.07 feet;  
 thence North 77°33'08" West, a distance of 95.45 feet;  
 thence South 79°44'59" West, a distance of 191.11 feet;  
 thence South 79°46'00" West, a distance of 394.90 feet;



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thence North  $24^{\circ}35'34''$  West, a distance of 10.32 feet;  
 thence South  $79^{\circ}46'00''$  West, a distance of 450.87 feet;  
 thence North  $42^{\circ}41'22''$  East, a distance of 24.88 feet;  
 thence South  $79^{\circ}46'00''$  West, a distance of 1324.82 feet;  
 thence North  $10^{\circ}14'00''$  West, a distance of 10.00 feet;  
 thence South  $79^{\circ}46'00''$  West, a distance of 363.61 feet;  
 thence South  $79^{\circ}46'00''$  West, a distance of 146.59 feet; to the  
 beginning of a curve, concave northerly, Having a radius of  
 1618.61 feet and a central angle of  $20^{\circ}25'33''$ , thence westerly  
 along the arc of said curve to the right, a distance of 577.03  
 feet to a point of intersection with a non-tangent line;  
 thence North  $00^{\circ}12'42''$  East, a distance of 1.02 feet; to a point  
 of intersection with a non-tangent curve, concave northerly, from  
 which the local tangent bears North  $79^{\circ}48'05''$  West, Having a  
 radius of 1617.61 feet and a central angle of  $08^{\circ}24'46''$ , thence  
 westerly along the arc of said curve to the right, a distance of  
 237.51 feet to a point of intersection with a non-tangent line;  
 thence South  $08^{\circ}32'27''$  East, a distance of 11.23 feet; to a point  
 of intersection with a non-tangent curve, concave northerly, from  
 which the local tangent bears North  $71^{\circ}34'08''$  West, Having a  
 radius of 1627.61 feet and a central angle of  $01^{\circ}17'08''$ , thence  
 westerly along the arc of said curve to the right, a distance of  
 36.52 feet to the curve's end;  
 thence North  $70^{\circ}17'00''$  West, a distance of 149.93 feet;  
 thence North  $06^{\circ}42'05''$  West, a distance of 27.92 feet;  
 thence North  $70^{\circ}17'00''$  West, a distance of 72.89 feet;  
 thence North  $19^{\circ}43'00''$  East, a distance of 40.00 feet, to the  
 POINT OF BEGINNING; Containing 40.9439 acres of land, more  
 or less.



DESCRIPTION OF SLS ROUTE 42 4-H CAMP ROAD R/W TO BE ANNEXED

All that certain lot, piece, or parcel of land situate in Barboursville District, Cabell County, West Virginia, and on the waters of Davis Creek, a tributary to the Guyandotte River and intended to be all the right-of-way for State Local Service Route 42, 4-H Camp Road from its intersection with the south right-of-way for W. Va. Alternate Route 10 to the said 4-H Camp Road Station 16+00 and being more particularly described as follows:

Beginning at the southern edge of right-of-way for said Alternate Route 10 at Station 58+64.26 50 feet left which is also 4-H Camp Road Station 0+46.72 20 feet left;

thence along and with the northwestern right-of-way for said 4-H Camp Road South 04 degrees 30 minutes 00 seconds East, a distance of 156.91 feet; to the point of curvature of a curve, concave Northeasterly, having a radius of 252.84 feet and a central angle of 79 degrees 16 minutes 00 seconds;

thence Southerly along the arc of said curve to the left, a distance of 349.79 feet, said arc subtended by a chord which bears South 44 degrees 08 minutes 00 seconds East, a distance of 322.56 feet to a point of tangency;

thence South 83 degrees 46 minutes 00 seconds East, a distance of 398.73 feet, to the point of curvature of a curve, concave Southwesterly, having a radius of 183.70 feet and a central angle of 104 degrees 30 minutes 00 seconds,

thence Easterly along the arc of said curve to the right, a distance of 335.05 feet, said arc subtended by a chord which bears South 31 degrees 31 minutes 00 seconds East, a distance of 290.50 feet to a point of tangency;

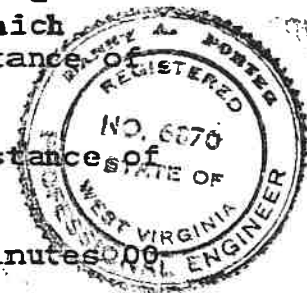
thence South 20 degrees 44 minutes 00 seconds West, a distance of 322.61 feet, to point of tangency Station 16+00;

thence crossing said 4-H Camp Road North 69 degrees 16 minutes 00 seconds West, a distance of 40.00 feet;

thence along and with the southwestern right-of-way for said 4-H Camp Road North 20 degrees 44 minutes 00 seconds East, a distance of 322.61 feet; to the point of curvature of a curve, concave Southwesterly, having a radius of 143.70 feet and a central angle of 104 degrees 30 minutes 00 seconds;

thence Northerly along the arc of said curve to the left, a distance of 262.09 feet, said arc subtended by a chord which bears North 31 degrees 31 minutes 00 seconds West, a distance of 227.25 feet to a point of tangency;

thence North 83 degrees 46 minutes 00 seconds West, a distance of



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398.73 feet; to the point of curvature of a curve, concave Northeasterly, having a radius of 292.84 feet and a central angle of 79 degrees 16 minutes 00 seconds, thence Westerly along the arc of said curve to the right, a distance of 405.13 feet, said arc subtended by a chord which bears North 44 degrees 08 minutes 00 seconds West, a distance of 373.59 feet to a point of tangency;

thence North 04 degrees 30 minutes 00 seconds West, a distance of 147.77 feet to the intersection with W. Va. Alternate Route 10 right-of-way Station 59+05.29 50 feet left and 4-H Camp Road right-of-way Station 0+55.86 20 feet right;

thence along and with the southern right-of-way for said Alternate Route 10 and crossing said 4-H Camp Road North 72 degrees 38 minutes 00 seconds East, a distance of 41.03 feet, to the BEGINNING containing 1.423 acres, more or less.



DESCRIPTION OF ROUTE TEN R/W TO BE ANNEXED

All that certain lot, piece, or parcel of land situate in Barboursville District, Cabell County, West Virginia on the waters of Davis Creek and the Guyandotte River and intended to be all of the right-of-way for W. Va. Alternate Route 10 from its intersection with the southern right-of-way with U. S. Route 60 to Alternate Route 10 Station 64+00 which is beyond its intersection of the 4-H Camp Road, and being more particularly described as follows:

Beginning at U.S. Route 60 Station ~~409+44~~, *88.52* feet right, and also being Alternate Route 10 Station ~~0+74~~, *52.20* feet left;

thence along and with the eastern right-of-way boundary for said Alternate Route 10 South 18 degrees 54 minutes 09 seconds West, a distance of 50.23 feet;

thence North 82 degrees 30 minutes 48 seconds East, a distance of 15.64 feet;

thence South 01 degree 58 minutes 00 seconds West, a distance of 171.87 feet;

thence North 88 degrees 02 minute 00 seconds West, a distance of 35.00 feet;

thence South 01 degree 58 minutes 00 seconds West, a distance of 350.00 feet;

thence South 88 degrees 02 minute 00 seconds East, a distance of 25.00 feet;

thence South 01 degree 58 minutes 00 seconds West, a distance of 150.00 feet;

thence North 88 degrees 02 minute 00 seconds West, a distance of 25.00 feet;

thence South 01 degree 58 minutes 00 seconds West, a distance of 129.29 feet;

thence South 01 degree 58 minutes 00 seconds West, a distance of 0.00 feet; to

the point of curvature of a curve, concave Easterly, having a radius of 5694.58 feet and a central angle of 04 degrees 29 minutes 30 seconds, thence Southerly along the arc of said curve to the left, a distance of 446.43 feet, said arc subtended by a chord which bears South 00 degrees 16 minutes 45 seconds East, a distance of 446.31 feet to a point of tangency;

thence South 02 degrees 31 minutes 30 seconds East, a distance of



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304.83 feet; thence North 87 degrees 28 minutes 30 seconds East, a distance of 10.00 feet;

thence South 02 degrees 31 minutes 30 seconds East, a distance of 400.00 feet;

thence South 87 degrees 28 minutes 30 seconds West, a distance of 10.00 feet;

thence South 02 degrees 31 minutes 30 seconds East, a distance of 251.24 feet;

thence South 87 degrees 28 minutes 30 seconds West, a distance of 5.00 feet; to a point of intersection with a non-tangent curve, concave Westerly, from which the local tangent bears South 02 degrees 31 minutes 30 seconds East, having a radius of 2894.79 feet and a central angle of 07 degrees 21 minutes 30 seconds,

thence Southerly along the arc of said curve to the right, a distance of 371.76 feet, said arc subtended by a chord which bears South 01 degree 09 minutes 15 seconds West, a distance of 371.51 feet to a point of tangency;

thence South 04 degrees 50 minutes 00 seconds West, a distance of 2040.12 feet; to the point of curvature of a curve, concave Northwesterly, having a radius of 602.96 feet and a central angle of 67 degrees 48 minutes 00 seconds,

thence Southerly along the arc of said curve to the right, a distance of 713.50 feet, said arc subtended by a chord which bears South 38 degrees 44 minutes 00 seconds West, a distance of 672.59 feet to a point of tangency;

thence South 72 degrees 38 minutes 00 seconds West, a distance of 360.57 feet;

thence South 17 degrees 22 minutes 00 seconds East, a distance of 20.00 feet;

thence South 72 degrees 38 minutes 00 seconds West, a distance of 350.00 feet;

thence North 17 degrees 22 minutes 00 seconds West, a distance of 15.00 feet;

thence South 72 degrees 38 minutes 00 seconds West, a distance of 200.00 feet to Station 64+00, 35 feet left;

thence crossing said Alternate Route 10 at Station 64+00 North 17 degrees 22 minutes 00 seconds West, a distance of 65.00 feet;

thence along and with the western right-of-way for Alternate Route 10 North 72 degrees 38 minutes 00 seconds East, a distance of 200.00 feet;



thence North 17 degrees 22 minutes 00 seconds West, a distance of 5.00 feet;

thence North 72 degrees 38 minutes 00 seconds East, a distance of 100.00 feet;

thence South 17 degrees 22 minutes 00 seconds East, a distance of 5.00 feet;

thence North 72 degrees 38 minutes 00 seconds East, a distance of 250.00 feet;

thence North 17 degrees 22 minutes 00 seconds West, a distance of 25.00 feet;

thence North 72 degrees 38 minutes 00 seconds East, a distance of 100.00 feet;

thence South 17 degrees 22 minutes 00 seconds East, a distance of 10.00 feet;

thence North 72 degrees 38 minutes 00 seconds East, a distance of 260.57 feet;

thence North 17 degrees 22 minutes 00 seconds West, a distance of 15.00 feet; to a point of intersection with a non-tangent curve, concave Northwesterly, from which the local tangent bears North 72 degrees 38 minutes 00 seconds East, having a radius of 512.96 feet and a central angle of 38 degrees 56 minutes 13 seconds, thence Easterly along the arc of said curve to the left, a distance of 348.60 feet, said arc subtended by a chord which bears North 53 degrees 09 minutes 53 seconds East, a distance of 341.93 feet to a point of intersection with a non-tangent line

thence South 56 degrees 18 minutes 13 seconds East, a distance of 30.00 feet; to a point of intersection with a non-tangent curve, concave Westerly, from which the local tangent bears North 33 degrees 41 minutes 47 seconds East, having a radius of 542.96 feet and a central angle of 28 degrees 51 minutes 47 seconds, thence Northeasterly along the arc of said curve to the left, a distance of 273.52 feet, said arc subtended by a chord which bears North 19 degrees 15 minutes 53 seconds East, a distance of 270.63 feet to a point of tangency;

thence North 04 degrees 50 minutes 00 seconds East, a distance of 2040.12 feet;

thence North 04 degrees 50 minutes 00 seconds East, a distance of 0.00 feet; to the point of curvature of a curve, concave Westerly, having a radius of 2834.79 feet and a central angle of 07 degrees 21 minutes 30 seconds, thence Northerly along the arc of said curve to the left, a distance of 364.06 feet, said arc subtended by a chord which bears



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North 01 degree 09 minutes 15 seconds East, a distance of 363.81 feet to a point of intersection with a non-tangent line;

thence South 87 degrees 28 minutes 30 seconds West, a distance of 5.00 feet; thence North 02 degrees 31 minutes 30 seconds West, a distance of 351.24 feet;

thence South 87 degrees 28 minutes 30 seconds West, a distance of 10.00 feet;

thence North 02 degrees 31 minutes 30 seconds West, a distance of 350.00 feet;

thence South 87 degrees 28 minutes 30 seconds West, a distance of 30.00 feet;

thence North 02 degrees 31 minutes 30 seconds West, a distance of 254.83 feet;

thence North 01 degree 47 minutes 57 seconds West, a distance of 147.07 feet;

thence North 88 degrees 55 minutes 36 seconds East, a distance of 40.00 feet;

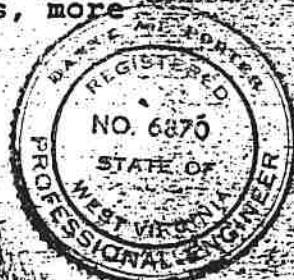
thence North 00 degrees 26 minutes 48 seconds East, a distance of 305.82 feet;

thence North 01 degree 58 minutes 00 seconds East, a distance of 129.29 feet;

thence North 88 degrees 02 minute 00 seconds West, a distance of 20.00 feet;

thence North 01 degree 58 minutes 00 seconds East, a distance of 573.75 feet; to the point of curvature of a curve, concave Southwesterly, having a radius of 104.15 feet and a central angle of 99 degrees 27 minutes 17 seconds, thence Northerly along the arc of said curve to the left, a distance of 180.78 feet, said arc subtended by a chord which bears North 47 degrees 45 minutes 22 seconds West, a distance of 158.93 feet to a point of tangency;

thence North 82 degrees 30 minutes 58 seconds East, a distance of 248.83 feet, to the BEGINNING; Containing 10.873 acres, more or less.



- 60/90

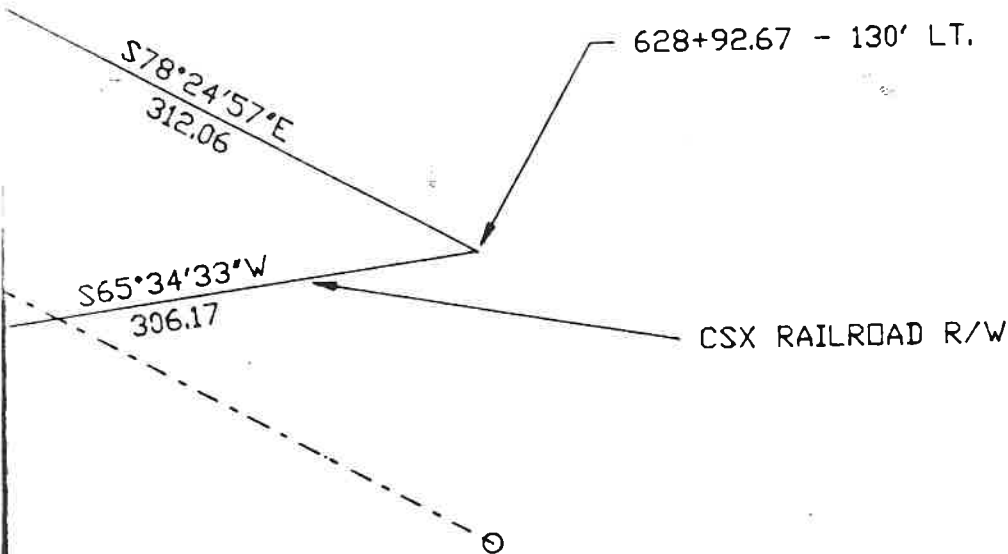
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WEST VIRGINIA, CABELL COUNTY CLERK'S OFFICE  
This instrument was this day presented in my office, and  
thereupon, together with the certificate thereto annexed, is  
admitted to record

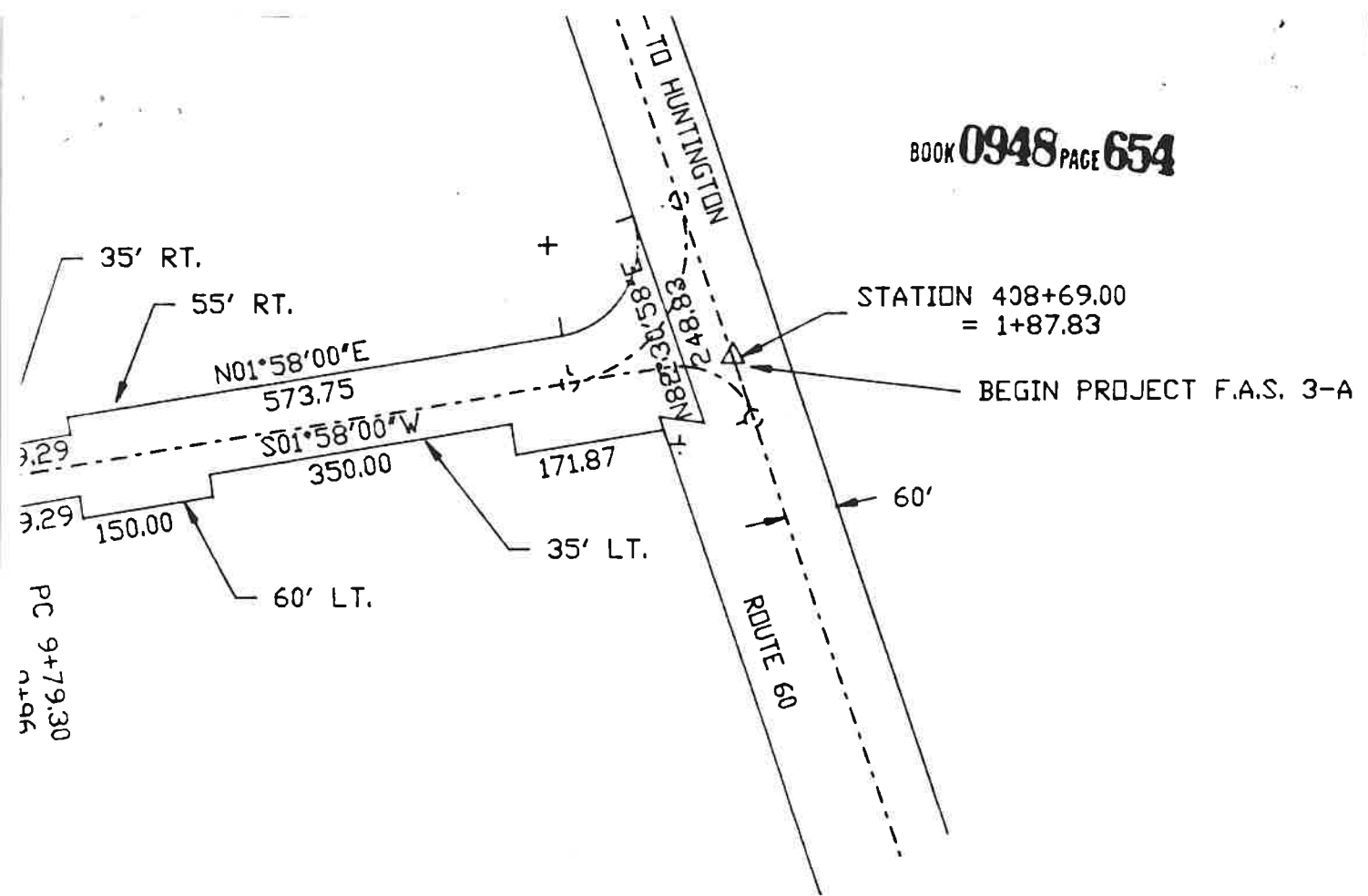
JUN 08 1992

TESTE: *Charles H. Kester* CLERK, CABELL COUNTY COURT



PLAT OF PROPOSED ANNEXATION  
**ROUTE 60 AND NICHOLS ROAD**  
BARBOURSVILLE DISTRICT CABELL COUNTY, WEST VIRGINIA  
SCALE: 1"=100' FEBRUARY 20, 1992

PREPARED BY: DANNY A. PORTER  
748-662 REG. PROF. ENGR. NO. 6870



# PLAT OF PROPOSED ANNEXATION ALTERNATE ROUTE 10

BARBOURSVILLE DISTRICT      CABELL COUNTY, WEST VIRGINIA  
SCALE: 1"=200'      FEBRUARY 19, 1992  
PREPARED BY: DANNY A. PORTER  
REG. PROF. ENGR. NO. 6870

STATION 16+00

40.00  
N69°16'00"W



PLAT OF PROPOSED ANNEXATION

SLS ROUTE 42

BARBOURSVILLE DISTRICT  
SCALE: 1"=40'

CABELL COUNTY, WEST VIRGINIA  
FEBRUARY 19, 1992

PREPARED BY: DANNY A. PORTER BOOK 0948 PAGE 647  
REG. PROF. ENGR. NO. 6870

948-147



139.09

165.00

198.00

209.00

S76°36'00"W

426.00

STATION 470+35

END PROJ. F.I. 187(17)

BEGIN PROJ. F.I. 187(18)

EXISTING BARBOURSVILLE CORP. LINE

DALE ROAD 60/5

LOW WATER MARK ON EAST  
SIDE OF GUYANDOTTE AND  
EXISTING CORPORATION  
LINE FOR CITY OF  
BARBOURSVILLE

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R=5864.58'

L=191.58'

$\Delta 1^{\circ} 52' 18''$

R=5809.58'

L=305.85'

$\Delta 3^{\circ} 00' 59''$

N83°48'00"E

352.36

'E

60

TO HUNTINGTON

PC 414+44.31

PT 420+47.64

MATCH 424+00



PLAT OF PROPOSED ANNEXATION

ROUTE 60

STATION 365+00 - 482+78

BARBOURSVILLE DISTRICT

CABELL COUNTY, WEST VIRGINIA

SCALE: 1"=200'

FEBRUARY 20, 1992

PREPARED BY: DANNY A. PORTER

REG. PROF. ENGR. NO. 6870

# AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA,  
COUNTY OF CABELL, TO-WIT:

I, Connie Rappold being first duly sworn, depose and say that I am Legal Clerk for The Herald-Dispatch, a corporation, who publishes at Huntington, Cabell County, West Virginia, the newspaper: The Herald-Dispatch, a independent newspaper, in the morning seven days each week, Monday through Sunday including New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving and Christmas; that I have been duly authorized by the Board of Directors of such corporation to execute this affidavit of publication for an on behalf of such corporation and the newspaper mentioned herein; that the legal advertisement attached in the left margin of this affidavit and made a part hereof and bearing number LH-511 was duly published in

The Herald-Dispatch

one time, once a week for 2 successive weeks, commencing with its issue of the 13th day of April, 19 92, and ending with the issue of the 20th day of April, 19 92, and was posted at the East Door of Cabell Co. Courthouse in the 20th day of April, 19 92: that said legal advertisement was published on the following dates: April 13, 20 1992

; that the cost of publishing said annexed advertisement as aforesaid was 1221.28; that such newspaper in which such legal advertisement was published has been and is now published regularly, at least as frequently as once a week for at least fifty weeks during the calendar year as prescribed by its mailing permit, and has been so published in the municipality of Huntington, Cabell County, West Virginia, for at least one year immediately preceding the date on which the legal advertisement set forth herein was delivered to such newspaper for publication; that such newspaper is a newspaper of "general circulation" as defined in Article 3, Chapter 59, of the West Virginia Code, within the publication area or areas of the municipality of Huntington, Cabell and Wayne Counties, West Virginia, and

that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper on each date published consists of not less than four pages without a cover; and that it is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices.

Connie Rappold

Taken, subscribed and sworn to before me in my said county this 20th day of April, 19 92

My commission expires October 24, 2000



Notary Public  
Cabell County,  
West Virginia