



CITY OF FAIRMONT

CITY/COUNTY COMPLEX
P.O. Box 1428
200 Jackson Street
Fairmont, West Virginia 26555-1428
(304) 366-6211
(304) 366-0228 FAX
www.cityoffairmontwv.com

MEMORANDUM

TO: Jim Priester, Marion County Assessor

FROM: Kevin V. Sansalone

DATE: January 17, 2007

RE: MRDC Annexation 68 Acres Grant District

Attached is a copy of the final Order of Annexation which provides for the annexation of the 68 acre Marion Regional Business Park (Eldora Dragstrip Property) into the corporate limits of the City of Fairmont.

Attached to the order is a metes and bounds description. I have also attached a plat for your use.

Please call with any questions.

IN THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA

IN RE; APPLICATION OF THE CITY OF FAIRMONT FOR THE ANNEXATION BY MINOR BOUNDARY ADJUSTMENT OF CERTAIN REAL ESTATE OF THE MARION REGIONAL DEVELOPMENT CORPORATION SITUATE IN GRANT DISTRICT MARION COUNTY, WEST VIRGINIA, CONSISTING OF 68 ACRES, MORE OR LESS, AND KNOWN AS THE MARION REGIONAL BUSINESS PARK.

ORDER OF ANNEXATION

At a regular session of the County Commission of Marion County, West Virginia, held for said County on the 17th day of January, 2007, at 10:30 a.m., came the City of Fairmont, a municipal corporation, located in Marion County, West Virginia, and presented its application to annex by minor boundary adjustment that certain tract of real estate consisting of 68 acres, more or less, of unincorporated territory, hereinafter described, adjoining said City and situate in Grant District, Marion County, West Virginia, which application was previously found proper in form and ordered filed by this Honorable Commission.

And, said Commission by order entered the 20th day of December, 2006, ordered that a public hearing be held on the date and time first above mentioned to provide all persons interested in said annexation an opportunity to be heard and said Commission, upon finding that the "Notice of Public Hearing and Order of Publication" was published in the Times-West Virginian, as a Class II-O Legal Advertisement, and that said notice and order were posted at five (5) conspicuous places within the territory to be annexed, all as required by West Virginia Code §8-6-5, held said public hearing.

Upon a mature consideration of all matters of record, and upon motion duly made and seconded, this Honorable Commission is of the unanimous opinion and does hereby find and conclude as follows:

1. That the territory to be annexed as set forth in the City's application is contiguous with the present corporate limits of said City;
2. That the annexation of said territory to the present corporate limits of said City constitutes a minor boundary adjustment;
3. That the territory lies exclusively within an unincorporated area of Grant District, Marion County, West Virginia;
4. That upon information and belief no persons reside in the territory to be annexed;
5. That one surface owner is affected by the annexation.

6. That no opposition to the proposed annexation exists and the affected party supports the annexation.

7. That no other municipality has made application for annexation of the territory.


8. That an accurate plat and an accurate metes and bounds description of the territory to be annexed has been filed herein.

9. That the annexation does not include a division of highways right of way.

10. That, given all matters of record, the annexation is in the best interest of the county as a whole.

It is therefore **ORDERED** and **DECREED** that the certain territory consisting of a tract of real estate comprised of 68 acres, more or less, situate entirely in Grant District, Marion County, West Virginia, which 68 acres is more particularly bounded and described as set forth in the "Description of Proposed Annexation of Marion Regional Business Park at Former Eldora Dragstrip Property to the City of Fairmont, WV" November 2006 prepared by James Fetty, PE, WV I.D. # 10397, a copy of which description is attached hereto and made a part hereof as if fully set forth verbatim herein, be and is hereby annexed into and made part of the corporate limits of the City of Fairmont, Marion County, West Virginia.

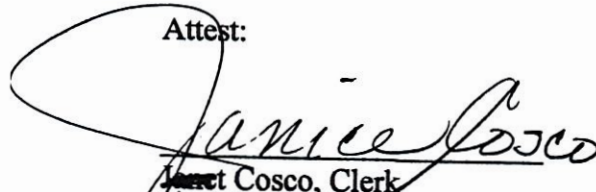
ENTERED this 17th day of JANUARY, 2007^{+6a}


Alan Parks, President



Randy Elliott, Commissioner


Wayne Stutler, Commissioner

Attest:


Janice Cosco, Clerk
Janice
Seal:

Prepared by:


Counsel for the City of Fairmont



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*Change plats 09-19-48 &
09-19-49 to Grant Annex
04-19-48, 04-19-49*

DESCRIPTION OF PROPOSED ANNEXATION OF
MARION REGIONAL BUSINESS PARK AT FORMER ELDORA DRAGSTRIP PROPERTY
TO THE CITY OF FAIRMONT, WV
November 2006

The following annexation was prepared based on sources having different coordinate systems. The described bearings have been converted to the City of Fairmont coordinate system.

The intent of the following description is to include parcels 48 and 49 of tax map 02-19 for annexation to the City of Fairmont. It is noted that the 30 foot right of way of State Route 58 that runs through parcels 48 and 49 of tax map 02-19 was previously annexed in the FICC-NASA annexation dated May 1993.

Beginning at a point on the western side of Booth's Creek, said point being a common corner to lands owned by Abel (Garrison), parcels 67 and 68 of tax map 02-18, and Browning Farms, parcel 50 of tax map 02-19; thence running with three common lines between Abel (Garrison) and Marion Regional Development Corporation, N41-04-39W 15.04 feet, more or less, to a point; thence running N39-48-56W 323.49 feet, more or less, to a point; thence running N23-14-53W 287.41 feet, more or less, to a point, said point being a common corner to lands owned by Abel (Garrison), parcel 68 of tax map 02-18, and Abel, parcel 69 of tax map 02-18; thence running with a common line between Abel and Marion Regional Development Corporation, N00-22-39W 947.37 feet, more or less, to a point, said point being a common corner to lands owned by Abel, parcel 69 of tax map 02-18, and Hockenberry, parcel 3 of tax map 02-17; thence running with two common lines between Hockenberry and Marion Regional Development Corporation, N06-19-21E 477.13 feet, more or less, to a point; thence running N18-33-51E 375.67 feet, more or less, to a point, said point being a common corner to lands owned by Hockenberry, parcel 3 of tax map 02-17, and Hockenberry, parcel 4 of tax map 02-17; thence running with a common line between Hockenberry and Marion Regional Development Corporation N58-22-58E 935.72 feet, more or less, to a point, said point being a common corner to lands owned by Hockenberry, parcel 4 of tax map 02-17, and Bell Mining parcel 8.1 of tax map 02-17, and Wolfe, parcel 47 of tax map 02-19; thence running with three common lines between Wolfe and Marion Regional Development Corporation S25-42-09E 1552.48 feet, more or less, to a point; thence running S29-13-39E 240.69 feet, more or less, to a point; thence running S45-07-39E 100.00 feet, more or less, to a point, said point being a common corner to lands owned by Wolfe, parcel 47 of tax map 02-19, and Browning Farms, parcel 50 of tax map 02-19; thence running common line between Browning Farms and Marion Regional Development Corporation S53-19-21W 1862.78 feet, more or less, to the place of beginning. This description contains 69.1 acres, more or less, for annexation into the City of Fairmont, West Virginia.

Instrument	Book	Page
200500003736	8	1001 380

#877SU of Fairmont, West Virginia, and shown on a plat of survey attached hereto and made a part of this description.

And being part of the same real estate which was conveyed to Howard R. Lough and Pauline M. Lough, his wife, by Dilla Brock and others, by deed dated June 18, 1945, of record in the Office of the Clerk of the County Commission of Marion County, West Virginia, in Deed Book 408, Page 391. Howard R. Lough died December 17, 1972, and by his Last Will and Testament, of record in the aforesaid Clerk's Office in Will Book 55, Page 635, he devised his interest in said real estate to his wife, Pauline M. Lough. Pauline M. Lough died December 23, 1994, and by her Last Will and Testament, recorded in the aforesaid Clerk's Office in Will Book 93, Page 348, she devised the real estate to her son, Marvin H. Lough. Marvin H. Lough died June 27, 2003, and by his Last Will and Testament, of record in the aforesaid Clerk's Office in Will Book 110, page 643, he devised said real estate to his cousins, Wanda Brock, Betty Lee Brock Thorn, Mary Lou Brock and Irene Brock (now Layman).

The above-described real estate is assessed upon the Land Books of Marion County for the year 2003 in Paw Paw District as part of the following:

Lough, Marvin H.
Map 34, Parcel 26
1.641 Ac, Pharoahs Run

DECLARATION OF CONSIDERATION OR VALUE:

Under penalties of fine and imprisonment as provided by law, the undersigned declare that the consideration paid for the property transferred by the document to which this declaration is appended is \$56,000.00.