

MEMORANDUM

To: John Carson, Utility Manager
Brian Starn, Fire Chief
Priscilla Hamilton, Finance
Steve Shine, Police Chief
Ron Miller, Public Works
Bill Foley, Engineering
Janet Keller, City Clerk
Travis Blosser, City Manager
Shae Strait, Planning
Marion County Central Communications, 911

From: Kevin V. Sansalone, City Attorney

Date: April 9, 2026

RE: IN RE: APPLICATION OF THE CITY OF FAIRMONT FOR THE ANNEXATION BY MINOR BOUNDARY ADJUSTMENT OF A CERTAIN PARCEL OR TRACT OF REAL ESTATE CONSISTING OF 9.63 ACRES, MORE OR LESS, SITUATE ON OR NEAR CARRIAGE DRIVE, FARIMONT DISTRICT, MARION COUNTY, WEST VIRGINIA. -- FINAL ORDER --

Attached is a copy of the final Order of Annexation annexing the above identified territory into the corporate limits of the City of Fairmont. For reference, the order is recorded in the Marion County Clerk's Office in Order Book 7, at page 313. A map or plat and a metes and bounds description of the territory is attached to the order. It will be necessary to change the City Map to include the new territory. I have included MCCC 911 so that it is aware for purposes of dispatching emergency services. A copy of the order was provided to the Marion County Assessor by the Marion County Clerk. Let me know if you believe there is someone else who should receive a copy of the Order, and I will send them one.

If there are any questions, please let me know.

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 A CERTAIN PARCEL OR TRACT OF REAL ESTATE CONSISTING OF 9.63 ACRES, MORE OR LESS, SITUATE ON OR NEAR CARRIAGE DRIVE, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA.

ORDER OF ANNEXATION

At a regular session of the County Commission of Marion County, West Virginia, held for said County on April 8, 2026, 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 9.63 acres, more or less, of unincorporated, uninhabited territory, hereinafter described, adjoining said City and situate in Fairmont District, Marion County, West Virginia, which application was previously found proper in form and ordered filed by this Commission.

And, said Commission by order entered March 11, 2026, (Order Book 7-308), 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, with dates of publication being March 20, 2026, and March 27, 2026, with the first date of publication being at least fourteen days prior to said public hearing, and that said notice and order was 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 mature consideration of all matters of record, and upon motion duly made and seconded, the Commission is of the opinion and does hereby find and conclude as follows:

1. That the territory is contiguous with the present corporate limits of said City in that the City and the territory share a common boundary.
2. That the annexation of said territory to the present corporate limits of said City constitutes a minor boundary adjustment in that the territory annexed comprises approximately .16% of the total existing area of the City.
3. That the annexed territory lies exclusively within an unincorporated area of Fairmont District, Marion County, West Virginia.

4. Initially, certain individuals residing in the territory presented a petition to the City of Fairmont seeking annexation, and on June 25, 2025, the Council for the City of Fairmont adopted a resolution authorizing application for annexation of said tract by minor boundary adjustment

5. There are 31 freeholders located in the territory to be annexed. Of the 31 freeholders, 28 appear to be residents of said territory, one is a business with a principal place of business located in Canonsburg, Pennsylvania, and 2 appear to be trustees holding under a resident trust.

6. On July 3, 2025, pursuant to the provisions of West Virginia Code §8-6-5(c)(2), the City of Fairmont sent each business, freeholder and resident an affidavit to sign for purposes of consenting to the application by certified mail return receipt requested, together with a letter advising them that if the City could not obtain an affidavit from them within 90 days after sending the letter, they would “be deemed to have consented to the annexation”.

7. Five affidavits consenting to the annexation were signed and returned. The remaining 26 freeholders consented by default.

8. No substantial objection to said annexation exists.

9. That no other municipality or public service district or public utility will be affected by the annexation. The City of Fairmont currently provides municipal water, sewer and stormwater utilities services to the annexed territory. The annexation will provide the residents in the annexed territory with additional municipal services including snow removal, street cleaning, a fully funded paving program, and professional fire and police services.

10. An accurate plat and an accurate metes and bounds description of the annexed territory have been filed herein.

11. The annexation does not include a West Virginia Division of Highways right of way or any portion of any roadway.

12. Given all matters of record, the annexation is in the best interest of the City, the residents, and the County as a whole.

13. Neither West Virginia Code §8-6-2 nor §8-6-4 provide an efficient and/or cost-effective method of providing for the proposed annexation of the territory to be annexed.

14. The City of Fairmont has not increased its corporate limits by annexation since 2019.


It is therefore ORDERED and DECREED that the certain territory consisting of a tract of real estate comprised of a 9.63 acre tract or parcel of real estate situate entirely in Fairmont District, Marion County, West Virginia, which tract or parcel of real estate is more particularly bounded and

described by metes and bounds on the "Boundary Description of a Proposed Annexation for the City of Fairmont" prepared by Bradley C. Pigott, WVPE No. 2223, and shown on the plat of same, copies of which 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 8th day of April 2026.


Commissioner

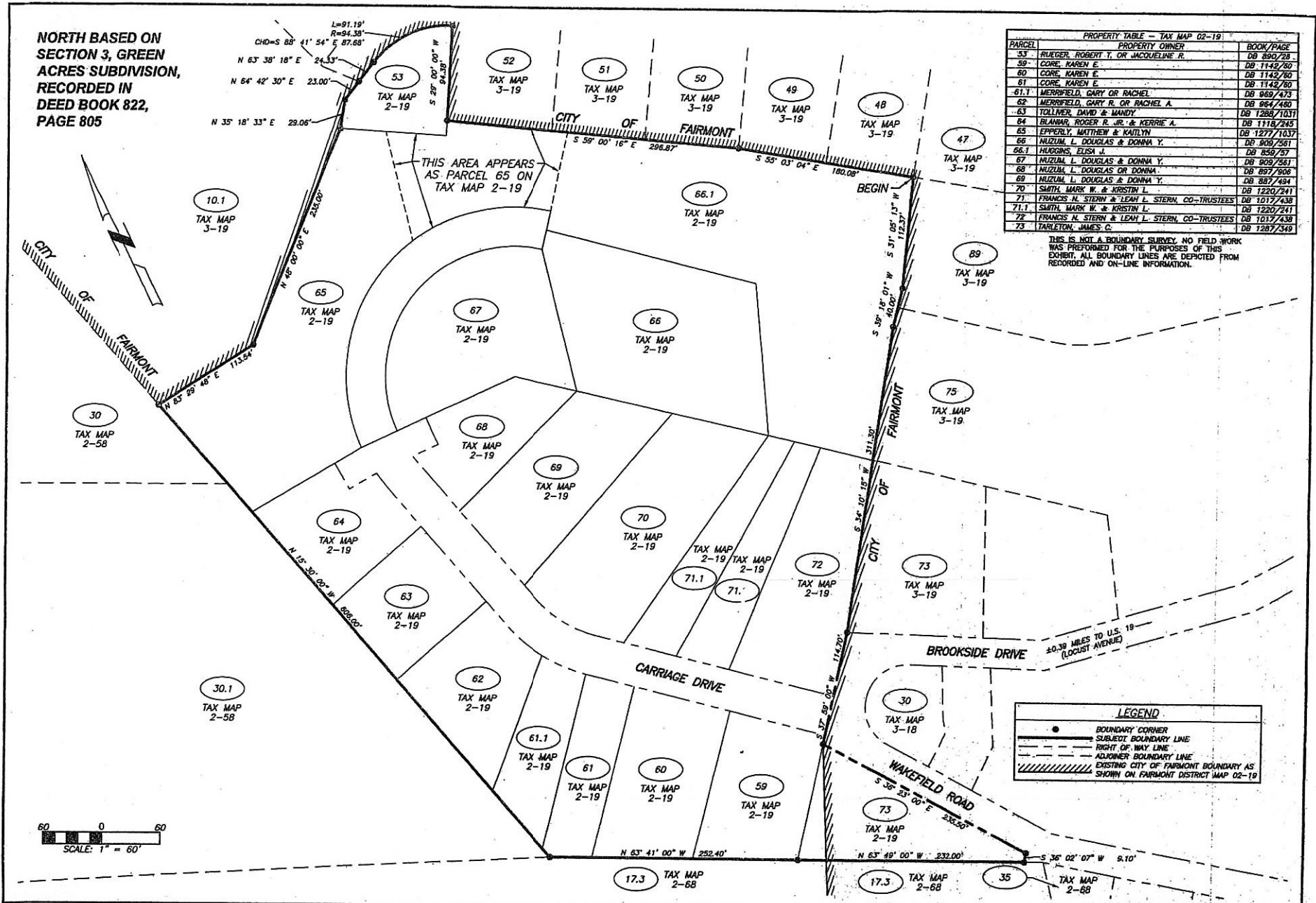

Commissioner


Commissioner

Attest:


County Clerk
(Seal)

NORTH BASED ON SECTION 3, GREEN ACRES SUBDIVISION, RECORDED IN DEED BOOK 822, PAGE 805



PARCEL	PROPERTY OWNER	BOOK/PAGE
53	RUEGER, ROBERT T. OR JACQUELINE R.	DB 850/28
59	CORE, KAREN E.	DB 1142/80
60	CORE, KAREN E.	DB 1142/80
61	CORE, KAREN E.	DB 1142/80
61.1	MERRIFIELD, GARY OR RACHEL	DB 969/173
62	MERRIFIELD, GARY R. OR RACHEL A.	DB 964/480
63	TOLLIVER, DAVID & MANDY	DB 1286/1031
64	BLANMAR, ROGER R. JR. & KERRIE A.	DB 1118/245
65	EPPELRY, MATTHEW & KATHY L.	DB 1277/1037
66	MUZUM, L. DOUGLAS & DONNA Y.	DB 906/581
66.1	HUGGINS, ELSA J.	DB 959/551
67	MUZUM, L. DOUGLAS & DONNA Y.	DB 906/581
68	MUZUM, L. DOUGLAS OR DONNA Y.	DB 897/808
69	MUZUM, L. DOUGLAS & DONNA Y.	DB 887/494
70	SMITH, MARK W. & KRISTIN L.	DB 1220/241
71	FRANCIS N. STERN & LEAH L. STERN, CO-TRUSTEES	DB 1017/438
71.1	SMITH, MARK W. & KRISTIN L.	DB 1220/241
72	FRANCIS N. STERN & LEAH L. STERN, CO-TRUSTEES	DB 1017/438
73	TARLETON, JAMES C.	DB 1287/549

THIS IS NOT A BOUNDARY SURVEY. NO FIELD WORK WAS PERFORMED FOR THE PURPOSES OF THIS EXHIBIT. ALL BOUNDARY LINES ARE DERIVED FROM RECORDED AND ON-LINE INFORMATION.

LEGEND	
	BOUNDARY CORNER
	SUBJECT BOUNDARY LINE
	RIGHT OF WAY LINE
	ADJOINER BOUNDARY LINE
	EXISTING CITY OF FAIRMONT BOUNDARY AS SHOWN ON FAIRMONT DISTRICT MAP 02-19

George E. Pigott & Associates, Inc.
 PROFESSIONAL ENGINEERS & SURVEYORS
 1 Viking Road Ph: (304) 363-8457
 White Hall, WV 26554 Fax: (304) 363-4825
 www.pigottengineering.com

BOUNDARY ANNEXATION OF ± 9.63 ACRES FOR THE CITY OF FAIRMONT

AFFECTING TAX MAP 02-19, PARCELS 53, 59-61, 61.1, 62-66, 66.1, 67-71, 71.1, 72, & 73
 FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA
 DECEMBER 23, 2021

SCALE: 1" = 60' SHEET 1 of 1 DRAWN BY: KJP
 FAIRMONT ANNEXATION WORKSHEET.DWG

 BRADLEY C. PIGOTT, WVPE No. 18003 - PS 2223

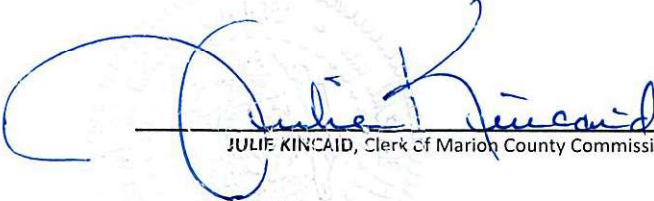
STATE OF WEST VIRGINIA,

COUNTY OF MARION, TO-WIT:

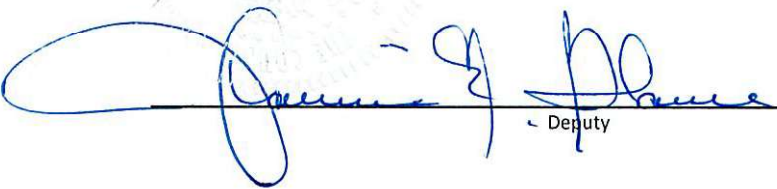
I, **JULIE KINCAID**, CLERK AND RECORDER of the County Commission of Marion County, in the State of West Virginia, do hereby certify that the foregoing writing is a true and accurate copy as appears in my office in Order

Book No. 7 Page No. 313 of said record.

Given under my hand and Seal of said Office this 8th day of April,
2026.



JULIE KINCAID, Clerk of Marion County Commission



Deputy

