

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 ROLLING ELEVEN, LLC., SITUATE IN FAIRMONT DISTRICT, MARION COUNTY, WV CONSISTING OF 167.01 ACRES, MORE OR LESS

ORDER OF ANNEXATION

At a regular session of the County Commission of Marion County, West Virginia, held for said County on the 30th day of November, 2005, at 10:30 a.m., came the City of Fairmont, a municipal corporation, located in Marion County, West Virginia, pursuant to its application to annex a certain tract of 167.01 acres of unincorporated territory contiguous to said City and situate in Fairmont District, Marion County, West Virginia.

WHEREAS, on the 9th day of November, 2005, at its regular session, this Commission, finding said application to be in proper form and being satisfied that said application met the threshold requirements for consideration of a minor boundary adjustment outlined in West Virginia Code §8-6-5 and that neither West Virginia Code §8-6-2 nor §8-6-4 provided an efficient or cost effective manner of annexation, ordered that a public hearing be held thereon and that notice of said hearing be published and posted according to law;

WHEREAS, on said date, this Commission referred said application to the Marion County Planning Commission for its review and consideration and said Planning Commission, at a regular meeting held on the 17th day of November, 2005, found said application to be in proper form, consistent with the provisions of West Virginia Code §8-6-5 and recommended approval of the proposed annexation

WHEREAS, the Order of Publication and Notice of Annexation was published as a Class II legal advertisement in the Times West Virginian, a newspaper in general circulation in Marion County, West Virginia, with the dates of publication being November 15, 2005, and November 22, 2005, as evidenced by the Affidavit of Publication, which affidavit has been filed herein; and

WHEREAS, the Order of Publication and Notice of Annexation was posted at not less than five (5) public places within the area proposed to be annexed by Assistant City Planner, Kevin McClung.

NOW THEREFORE, this Commission, after hearing the statements of counsel and the testimony of witnesses, and upon mature consideration of same and all matters of record and no

freeholders having appeared at the public hearing in opposition to said annexation, makes the following findings:

1. The territory to be annexed consists of 167.01 acres and represents approximately 2.09% of the existing area of the City of Fairmont;

2. The territory to be annexed is uninhabited and there are no businesses located within said territory;

3. No other municipality will be impacted by the annexation and no other municipality has sought to annex said territory;

4. No public service district will be impacted by the annexation;

5. The territory to be annexed is contiguous to the present corporate limits of the City of Fairmont;

6. The City of Fairmont operates the following which will not be negatively impacted by the annexation:

- a. Planning and zoning department;
- b. Municipal water and sewer utility;
- c. Full-time, professional public works department;
- d. Fully trained full-time professional fire and police departments; and
- e. Waste removal service by contract;
- f. Storm Water Utility

7. The proposed annexation will provide for the orderly growth and development of the territory sought to be annexed and will provide for increased economic development within the territory to be annexed and within the existing corporate limits of the City of Fairmont and the proposed annexation is good for the County as a whole;

8. No negative impact on the City of Fairmont's financial situation is known to be created by the proposed annexation; and

9. The proposed annexation is not limited solely to a West Virginia Division of Highways right of way and is not limited to a street or highway as defined by West Virginia Code §17C-1-35.

In consideration of the aforementioned findings, this Commission is of the opinion and does hereby conclude that the annexation of the described 167.01 acres constitutes a minor boundary adjustment and all the requirements of West Virginia code §8-6-5 have been satisfied in this instance.

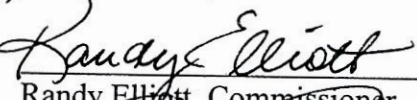
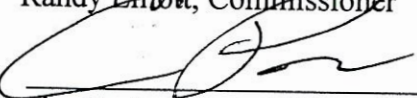
In consideration of the aforementioned findings and conclusions, it is therefore **ORDERED** and **DECREED** that the following described real estate, be and is hereby annexed into and made


part of the corporate limits of the City of Fairmont, a municipal corporation, located in Fairmont District, Marion County, West Virginia, and which real estate is more particularly bounded and described as follows:

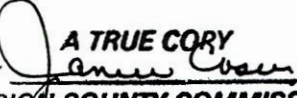
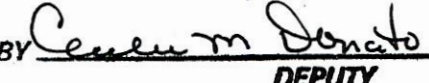
Beginning at a point in the line of the property Rolling Eleven, L.L.C., thence N. 11° 50' 26" E. 87.57 feet; thence N. 35° 00' 38" E. 89.56 feet; thence N. 31° 53' 01" E. 63.93 feet; thence N. 03° 31' 26" W. 95.55 feet; thence N. 22° 50' 04" E. 185.66; thence N. 27° 32' 54" E. 155.55 feet; thence N. 00° 00' 00" E. 134.98 feet; thence N. 13° 13' 34" E. 182.54 feet; thence N. 21° 18' 39" W. 117.14 feet; thence S. 81° 32' 37" E. 1836.19 feet; thence N. 80° 15' 15" E. 151.53 feet; thence S. 18° 56' 12" E. 86.28 feet; thence N. 80° 13' 27" E. 137.33 feet; thence N. 62° 41' 02" E. 233.74 feet; thence N. 85° 17' 25" E. 799.63 feet to a point in the corporation line of the City of Fairmont; thence with the corporation line in an southwestern direction approximately 2473.49 feet to a point; thence S. 58° 07' 14" W. 263.62 feet; thence S. 52° 47' 02" W. 88.29 feet; thence S. 77° 48' 27" W. 106.46 feet; thence N. 88° 09' 13" W. 87.23 feet; thence N. 72° 29' 08" W. 112.07 feet; thence N. 54° 39' 21" W. 106.89 feet; thence N. 49° 57' 30" W. 484.93 feet; thence N. 55° 46' 08" W. 159.88 feet; thence N. 58° 17' 02" W. 251.27 feet; thence N. 55° 59' 55" W. 135.70 feet; thence N. 69° 14' 26" W. 87.23 feet; thence N. 81° 05' 28" W. 145.19 feet; thence N. 84° 24' 16" W. 144.12 feet; thence S. 81° 28' 30" W. 113.76 feet; thence S. 69° 09' 30" W. 12.79 feet; thence S. 72° 38' 25" W. 104.02 feet; thence N. 88° 31' 56" W. 145.73 feet; thence S. 85° 53' 18" W. 65.31 feet; thence N. 90° 00' 00" W. 74.50 feet; thence 67° 45' 52" W. 66.85 feet; thence S. 52° 36' 48" W. 60.18 feet; thence S. 46° 28' 32" W. 47.99 feet; thence S. 32° 58' 14" W. 761.09; thence N. 89° 45' 17" W. 546.29 feet; thence N. 10° 35' 54" W. 280.24; thence N. 54° 15' 05" W. 399.89; thence N. 75° 49' 10" W. 318.35; thence S. 76° 46' 05" W. 240.16 feet; thence N. 26° 07' 06" W. 940.64 to the point and place of beginning, containing 167.01 acres more or less, and being part of that same real estate described in that certain deed dated August 17, 2005, by and between Hallwood, L.L.C. et al., and Rolling Eleven, L.L.C., which deed is of record in the Office of the Clerk of the County Commission of Marion County, West Virginia in Deed Book 1005, at page 793.

And which real estate is more recently described as 165 acres, more or less, and is depicted and set out on the map or plat of "Proposed Annexation of Rolling Hills (sic) Eleven, LLC., River Creek Property, to the City of Fairmont, WV, Fairmont District, Marion County, West Virginia dated Jan 2006", James W. Fetty, Jr., PE, WV Reg., # 10397, attached hereto and made a part hereof and to which reference is hereby made for all pertinent purposes.

ENTERED this 10th day of ~~February~~ MARCH, 2006.

Cody Starcher, Commissioner

Randy Elliott, Commissioner

Alan Parks, Commissioner

Attest:

Janice Cosco, Clerk *by K. W. W. W.*

A TRUE COPY
ATTEST  CLERK
MARION COUNTY COMMISSION
FAIRMONT, WV
BY  DEPUTY

PROPOSED ANNEXATION AREA

167.01 AC

48.81 AC

MARION COUNTY
CITY OF FAIRMONT

ING
411°50'26"E
15°00'30"E
131°53'01"E
43°31'26"E
22°50'04"E
27°32'54"E
160°00'00"E
143°11'34"E
141°10'39"E
581°32'37"E
180°15'15"E
510°56'12"E
180°13'27"E
162°41'02"E
165°17'25"E
502°56'16"E
145°25'57"E
504°49'01"E
105°35'36"W
501°26'35"E
513°31'25"E
185°36'13"E
500°57'39"E
507°52'14"W
519°53'52"W
547°30'33"W
543°11'54"E
550°05'04"E
170°22'23"E
119°24'24"E
546°39'06"E
148°01'57"E
562°27'43"E
169°49'07"E
548°29'41"W
562°21'31"W
568°30'42"W
545°11'03"W
553°40'16"W
554°43'30"W
550°07'14"W
552°47'02"W
577°48'27"W
188°09'13"W
172°29'08"W
154°39'21"W
149°57'10"W
155°46'08"W
158°17'02"W
155°59'55"W
166°14'26"W
181°05'28"W
184°24'16"W
581°28'30"W
569°09'30"W
572°38'25"W
188°31'56"W
585°53'18"W
190°00'00"W
567°45'52"W
552°36'48"W
546°28'32"W
532°58'14"W
189°45'17"W
110°35'54"W
154°15'05"W
175°49'10"W
576°46'05"W
126°07'06"W

ANNEXATION MAP

RIVER CREEK

CITY OF FAIRMONT, MARION COUNTY

WEST VIRGINIA

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