

• 123386 •

IN THE COUNTY COURT OF TUCKER COUNTY, WEST VIRGINIA

RE: MINOR BOUNDARY ADJUSTMENT TO THE TOWN OF DAVIS
BEING 486.51 ACRES AND 6.47 ACRES, MORE OR LESS, OF LAND
ADJACENT TO THE PRESENT CORPORATE LIMITS

THE PETITION OF THE TOWN OF DAVIS TO HAVE A MINOR
BOUNDARY ADJUSTMENT OF 486.51 ACRES AND 6.47 ACRES OF
LAND ADJACENT TO THE PRESENT CORPORATE LIMITS OF THE
TOWN OF DAVIS, LYING AND BEING IN THE DAVIS DISTRICT,
TUCKER COUNTY, WEST VIRGINIA

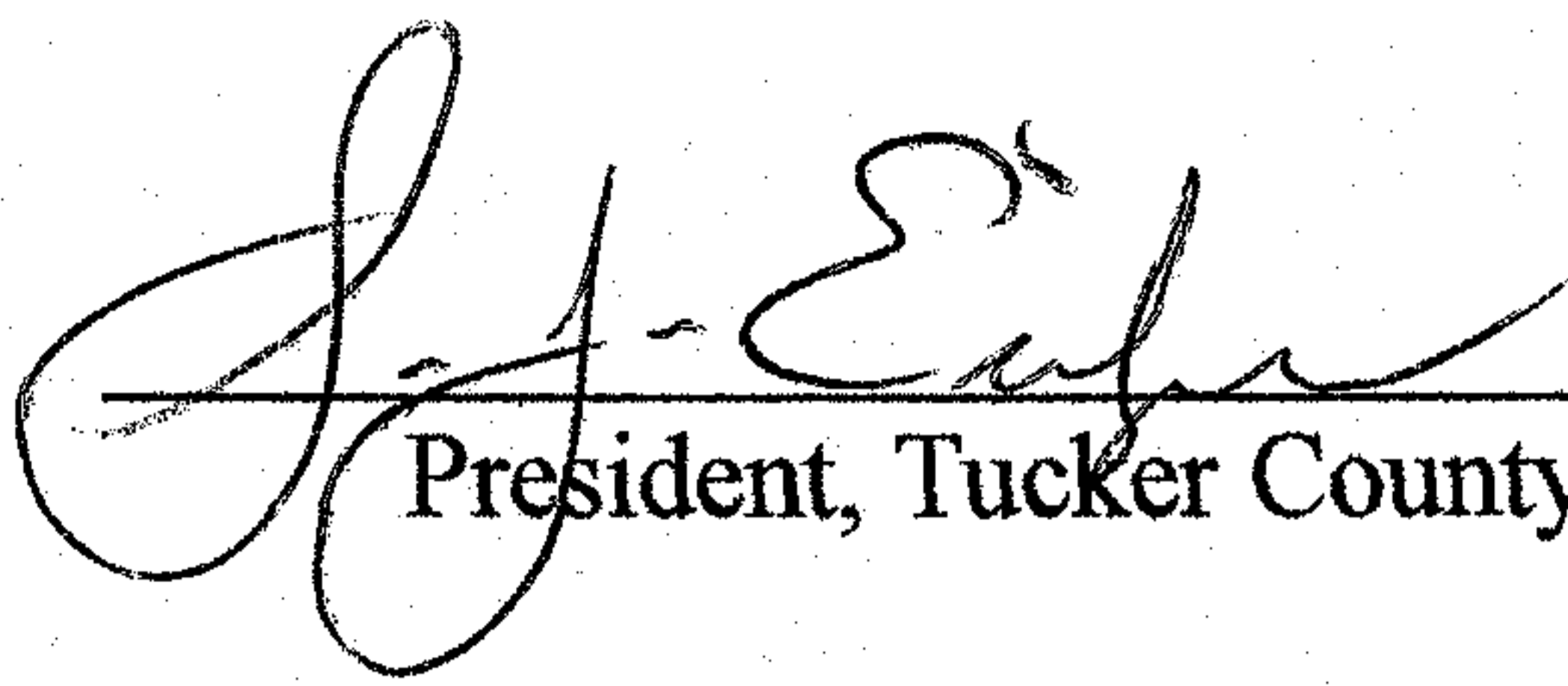
ORDER

On this day came the Town of Davis and submitted a petition for a minor boundary adjustment of 486.51 acres and 6.47 acres of land adjacent to the corporate limits of the town.

The County Commission, after reviewing the petition and holding a public meeting according to statute, is of the opinion to and hereby does approve the annexation and does **ORDER** that the territorial boundary limits of the Town of Davis be and hereby is changed and extended so as to include and embrace the area described in the petition and as set forth upon the plat attached hereto and filed in Plat Cabinet 2, at Page 347.

Copies of this Order together with a copy of the plat is to be recorded in the office of the Clerk of the County Court. Copies shall also be delivered to the Tucker County Assessor.

ENTER this the 26th day of October, 2005.



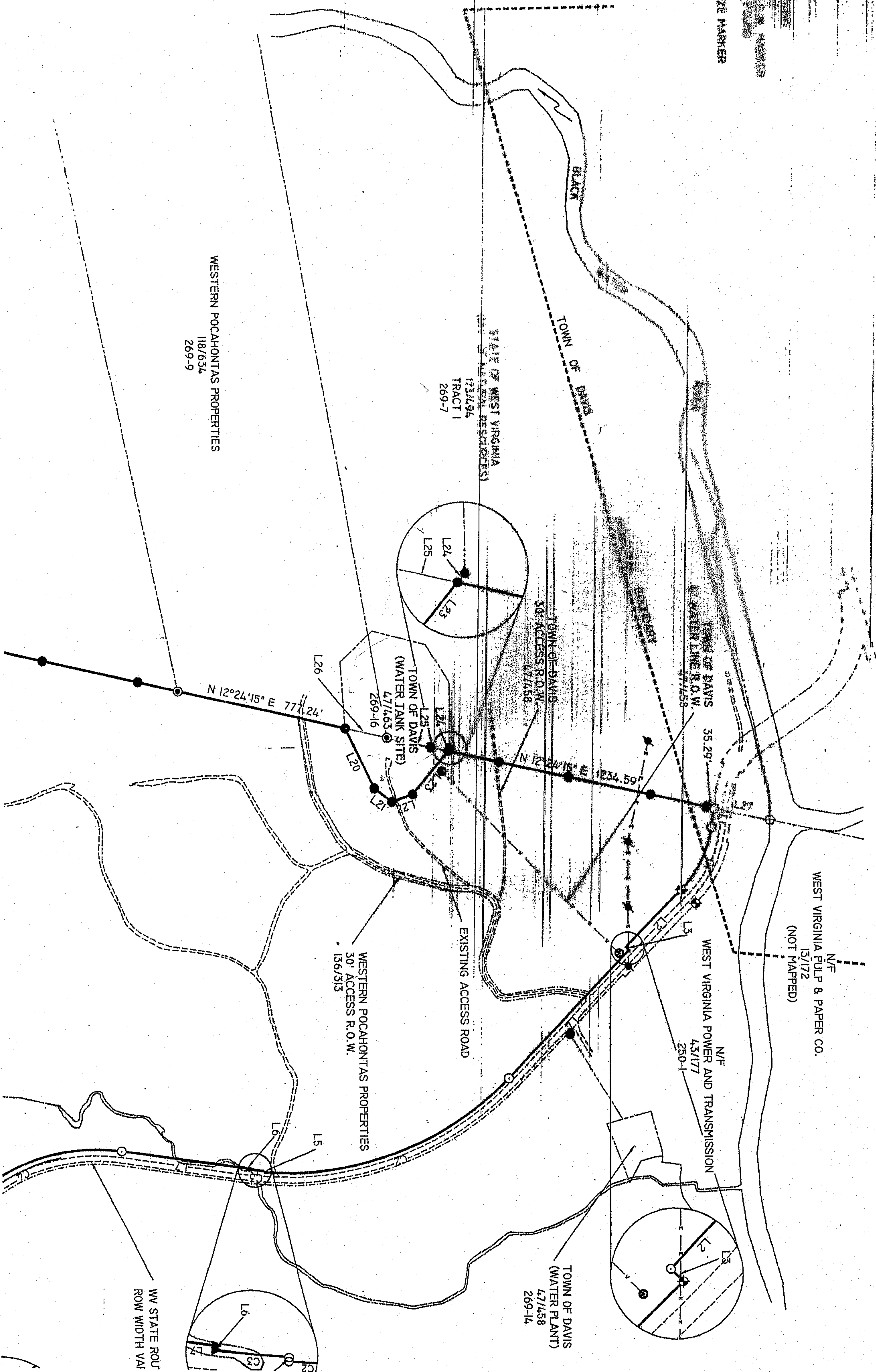
President, Tucker County Commission

STATE OF WEST VIRGINIA,
Tucker County Clerk's Office:

Be it remembered that on this 10th day of Aug, 07
the foregoing Order, with the certificate
thereto, was this day presented in said office and admitted to record
12:28pm Teste Sherry Tompkins, Clerk

LEGEND

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WESTERN POCAHONTAS PROPERTIES
 118/634
 269-9

STATE OF WEST VIRGINIA
 123/494
 TRACT 1
 269-7

TOWN OF DAVIS
 30' ACCESS R.O.W.
 477/458

WESTERN POCAHONTAS PROPERTIES
 30' ACCESS R.O.W.
 136/313

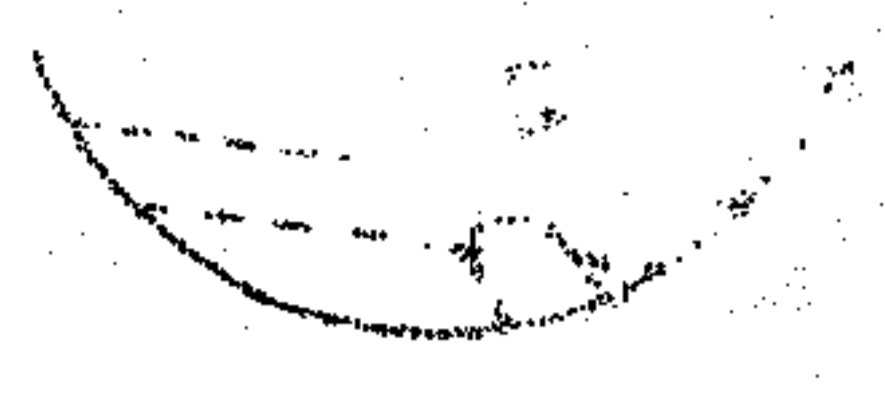
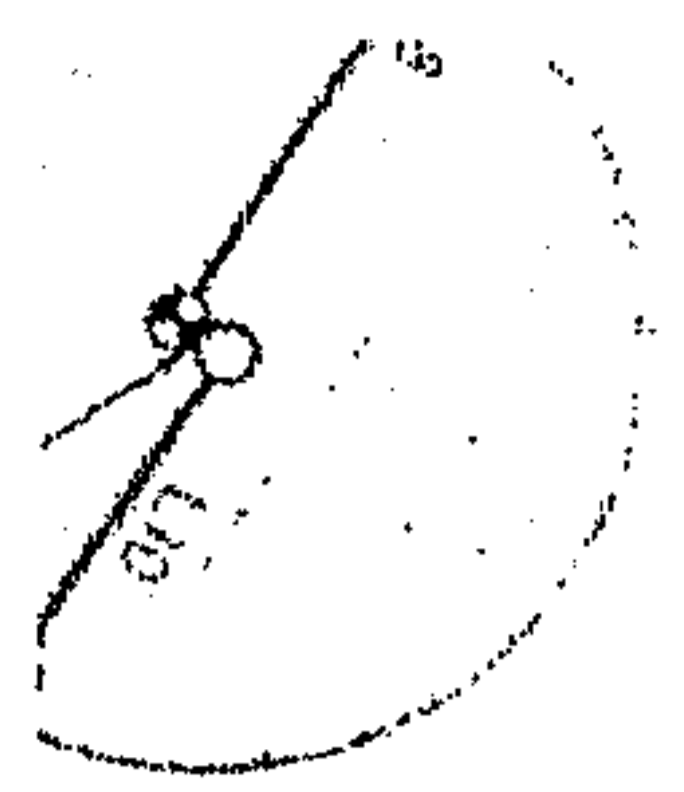
TOWN OF DAVIS
 (WATER PLANT)
 477/458
 269-14

WEST VIRGINIA POWER AND TRANSMISSION
 N/F
 45/177
 250-1

WEST VIRGINIA PULP & PAPER CO.
 N/F
 15/172
 (NOT MAPPED)

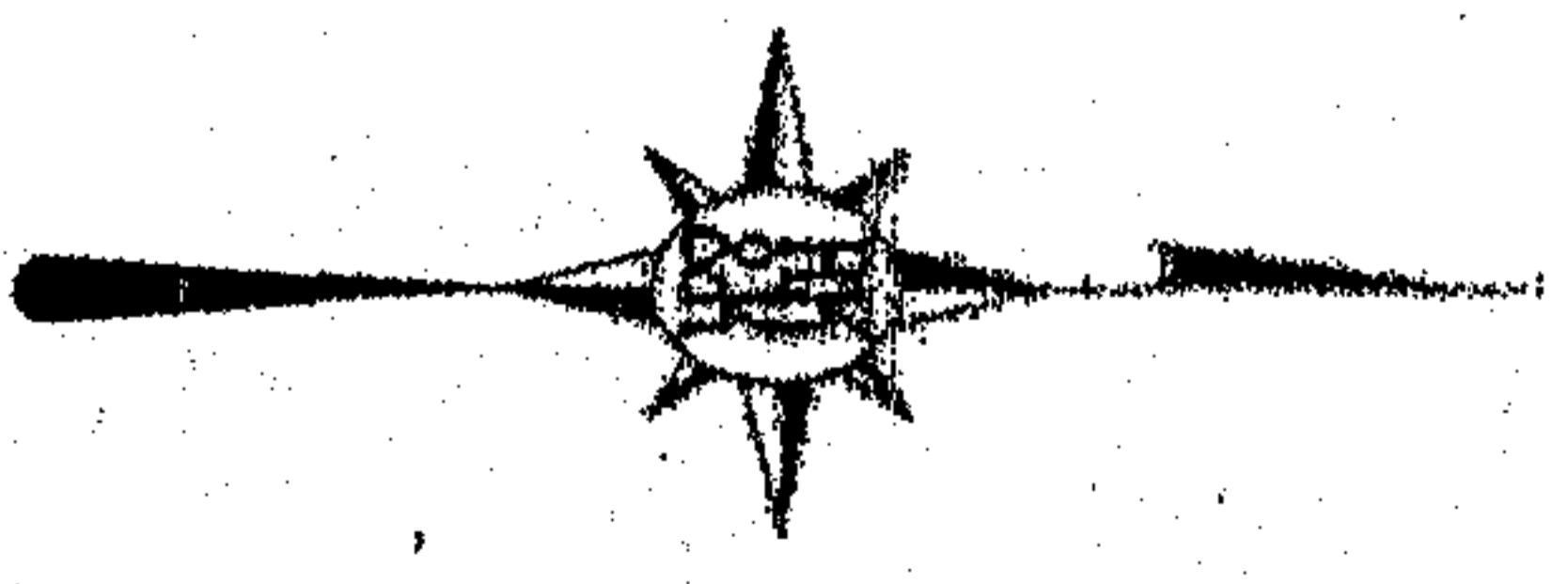
WV STATE ROUT
 ROW WIDTH VAF

11.11.74



| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 81°38'53" E | 87.80' |
| L2 | S 46°02'53" E | 366.23' |
| L3 | N 43°57'07" E | 20.00' |
| L4 | S 46°02'53" E | 790.37' |
| L5 | N 85°41'41" W | 5.00' |
| L6 | N 82°13'54" W | 5.00' |
| L7 | S 07°46'07" W | 568.34' |
| L8 | S 56°27'53" E | 639.90' |
| L9 | N 33°32'07" E | 10.00' |
| L10 | S 56°27'53" E | 68.00' |
| L11 | S 38°08'53" E | 469.31' |
| L12 | S 51°51'07" W | 10.00' |
| L13 | S 38°08'53" E | 1250.00' |
| L14 | N 51°51'07" E | 15.00' |
| L15 | S 38°08'53" E | 210.15' |
| L16 | S 51°51'15" W | 10.00' |
| L17 | S 04°29'53" E | 636.95' |
| L18 | N 89°57'15" W | 78.07' |
| L19 | S 89°21'24" W | 4.74' |
| L20 | N 64°24'28" E | 300.26' |
| L21 | N 37°19'15" E | 99.95' |
| L22 | N 19°35'56" W | 100.13' |
| L23 | N 49°59'17" W | 254.66' |
| L24 | S 49°59'17" E | 13.40' |
| L25 | N 12°24'15" E | 285.65' |
| L26 | S 12°24'15" W | 192.76' |
| L27 | S 12°24'15" W | 689.08' |
| L27 | S 12°24'15" W | 257.38' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|----------|------------|--------------|---------------|
| C1 | 523.14' | 325.01' | 319.81' | S 63°50'53" E |
| C2 | 1402.56' | 1232.54' | 1193.27' | S 20°52'16" E |
| C3 | 1414.01' | 84.47' | 84.45' | S 06°02'12" W |
| C4 | 858.60' | 962.48' | 912.87' | S 24°20'52" E |
| C5 | 789.18' | 252.16' | 251.08' | S 47°18'23" E |
| C6 | 1111.25' | 652.41' | 643.08' | S 21°19'23" E |



REFERENCED
DEED BOOK 182 PAGE 47
TAX MAP PARCEL

OB 21

Tucker County Commission
215 First Street Suite 1
Parsons, WV 26287

Meeting Date: October 26, 2005 @ 6:00 p.m.
Location: Magistrate Courtroom Parsons City Hall Bld.

ing Prayer—Pledge of Allegiance

Call to Order—Commission President Echelberger

1. Reading—Approval of Previous Meeting's Minutes

2. AUDIENCE / GUESTS:

- A. 911 Center Director—Darla Stemple
 - Recommendation for hiring Chief Dispatcher
 - Telecommunicator Job Description
 - Emergency Phone Plan
 - Central Vacuum
- B. Hospice Care Corp—Nancy Dotson Proclamation National Hospice Month
- C. Davis Mayor—Joe Drenning—Annexation
- D. Wind Mills Tax Issue—Tucker County Board of Education & Supt. Hicks
 - Florida Light & Power Representative invited
- E. OEM Director Propst
- F. EMS Director Lynda Gray

3. NEW BUSINESS:

- A. Appointment of Fiduciary Commissioner for Estate of Pansy Carr
- B. Proclamation October 25, 2005
- C. Erroneous Assessments

4. UNFINISHED BUSINESS:

- A. Sherga & Storch Bid Agreement

5. FINANCIAL BUSINESS/ ACTION:

- A. Approval of Invoices for payment
- B. Corrected Annual Financial Report—Notes to the Financial Statement
- C. EMS Financial Synopsis September 2005

6. COMMISSIONER REPORTS:

Commissioner Echelberger
Commissioner Michael
Commissioner Leary

7. COORDINATOR'S REPORT:

- A. Recycling Grant update—
- B. State Development Grant for Lighting for Courthouse
- C. CVI Draft Environmental Impact Statement

8. CORRESPONDENCES:

- A. WVACO Faxes from Vivian Parsons & Patti Hamilton
- B. Letter from Robert Nelson w/ County Clerk Response
- C. W. Wade Thompson forward concerning Paul Burn's office compliance
- D. WVFA Letter from Dick Waybright National Forest Plan
- E. Email from William Herlihy Mettiki Mine Tucker County
- F. Forward Betty Ireland Letter to Linda Cale Voter System Notification Letter

9. ADJOURNMENT:

THE NEXT MEETING OF THE TUCKER COUNTY COMMISSION WILL BE:

WEDNESDAY NOVEMBER 9, 2005 @ 9:00 A.M.

@

The Tucker County Commission Office
215 First Street Suite 1
Parsons, WV 26287

TUCKER COUNTY COMMISSION

REGULAR SESSION

Held in the Tucker County Magistrate's Courtroom on October 26, 2005 at 6 p.m.

Attending: Salvatore J. Eichelberger, James "Chris" Michael, David C. Leary, Linda Cale, Brain K. Flanagan, Tom Klus, Riley Barb, Joe Drenning, Debra Calhoun, Nancy Dotson, Darla Stemple, Phillips Kolsun, Richard Hicks, David Cooper, Chris Stadelman, Julieann Cooper, Jack McGuigan, and Lynda Gray.

Following opening prayer and pledge of allegiance, meeting was called to ORDER by Sam Eichelberger, president of the commission; reminding those present meeting was being taped.

Commission minutes for October 12th were approved by motion Michael/Leary.

Audience & Guests: Darla Stemple, 911 Director came before the Commission in re: hiring a chief dispatcher. This being a personnel issue, Commissioners went into Executive Session at 6:03 p.m. by motion Michael/Leary. At 6:22 p.m., by motion Michael/Leary, Commission is back in Regular Session announcing David Carr a current dispatcher will become Chief Dispatcher. Michael/Leary.

Commissioner Leary questioned protocol of ambulance runs after 9 p.m. because Tucker Community Care closes at 10:00 p.m. Commissioner Leary stated he thought any call taken after 9 p.m., the Tucker Community Care should be notified and request they remain open until run is complete. Commissioner Leary said he would continue to work on this with Davis Memorial Hospital in an effort to bring this to a reality.

Tucker County 911 Center Telecommunicator position has been advertised in the Parsons Advocate October 19th and 26th. Job description found in Wage & Hour Board minutes is to be reviewed.

Darla Stemple reported on an emergency phone plan, for \$39.95 plus tax a month. One U.S. cell at \$20.00 a month and one cell for \$19.95 a month with a seven-digit number cell phone for emergency. There would be monthly or bi-monthly testing with access to both towers. By motion Michael/Leary move forward with emergency plan.

Nancy Dotson with Hospice Care Corp presented a Proclamation declaring November as National Hospice month and first week in November as Hospice week in Tucker County. Proclamation was read aloud by Commissioner Eichelberger and approved by motion Michael/Leary.

A petition to approve the annexation for the Town of Davis was approved by motion Michael/Leary. Joe Drenning, Mayor of Davis was advised to set public hearings in the Town of Davis.

Richard Hicks, Superintendent of Tucker County Schools, Deby Calhoun, and David Cooper representing Tucker County Board of Education were present to discuss windmill tax issues. Legislature was passed giving break to windmill company based on air pollution. Florida Light & Power representative was also invited to attend, but was not present. Out of the tax formula for schools, most goes to the state based on the number of students in schools. Commissioners want to involve Board of Education for projects that may be in jeopardy. Reportedly people are not satisfied with the tax break windmills are getting. Superintendent Hicks proposed having a work session some evening, getting back to Florida Light & Power Company, and possibly bringing in a legislator.

Chris Michael reported O.E.M. Director, James N. Propst was at Camp Kidd, where a shelter has been opened assisting people without electric power due to storm.

Lynda Gray, EMS Director reported her office will continue to do their books manually as well as with the Quicken books to ensure everything is right. Ms. Gray stated she was hoping for more readable reports with Quicken Books.

New Business: A request for the appointment of a Special Fiduciary Commissioner for the estate of Pansy Carr; was withdrawn by Janet Preston, attorney for Doral Carr, Executor of the estate. Ms. Preston stated, if all issues were not resolved in the next few weeks, she would return to the Commission with her request.

A Proclamation declaring a State of Emergency to exist in Tucker County was faxed to the Governor's office. Michael/Leary.

Order Correcting Erroneous Assessments # 56 and 57 were approved by motion Michael/Leary.

Unfinished: Prosecuting Attorney Miller is still reviewing phone plan submitted by Sherga & Storch.

Financial Statements: All invoices submitted for payment were approved by motion Michael/Leary.

Corrected Financial Statement for year ending 06/30/2005 to include bonds for Cortland Acres Nursing Home was approved by motion Michael/Leary.

Commissioner's Report: Chris Michael reported new back-up generator using propane worked well during storm

Sam Eichelberger reported having attended City Council meeting at Hambleton. Commissioner Eichelberger reported Hambleton was having problems with storm drains

and are looking for solutions. A meeting is scheduled with D.O.H. tomorrow to see what they can do to help. Looking to Region 7 for funding with Commission trying to assist. Coordinator's Report: Brian Flanagan reported on Recycling Grant, saying DEP is to make a site inspection and the 3rd bin is not complete. County may be required to pay money back. Tom Tuesing has reportedly resigned as chairman of the Recycling Board with Laura Reed taking his place.

Don Black is sending material on grants for lighting at the courthouse with matching grant from Development Authority.

Correspondence: WVACO Faxes from Vivian Parsons and Patti Hamilton reporting on Special Session for bills passed by both the House and Senate and has been sent to Governor. CCAWV oppose the consolidation of counties and show support for instituting a recreation tax to offset costs of emergency services.

Letter from Robert Nelson requesting he be appointed Administrator of the estate of Rose Nelson Helmick and response from Linda Cale, County Clerk informing Mr. Nelson, this estate has been completed.

A letter from W. Wade Thompson, Chairman of the Property Valuation Training and Procedures Commission congratulating Assessor Burns and his office personnel on a job well done.

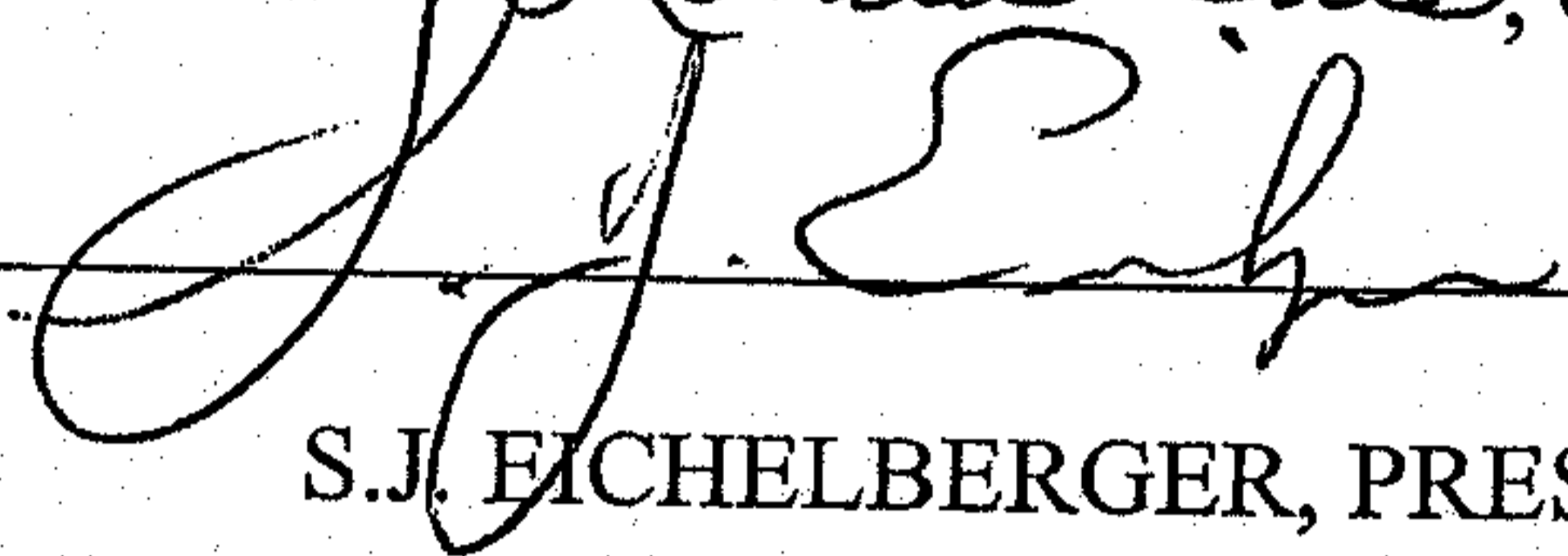
Hotmail was received from William M. Herlihy with letters attached responding to the WV Dept. of Environmental Protection's request for informal review of the Ten Day Notice issued by the Charleston Field Office for the Mettiki underground mine in Tucker County, WV.

National Forest Plan will be put on next agenda.

Confirmation letter was received from Betty Ireland, Secretary of State stating Tucker County to proceed with the Optical Scan Option, including ES&SiVotronic Disability-Accessible package. Mandatory upgrades from ES&S are included in this package at no cost for a period of five years only, after which the individual counties will be responsible for purchasing and arranging for software and hardware upgrades.

By motion Leary/Michael, meeting adjourned at 7:45 p.m., with next regular meeting to be November 9th at 9 a.m. in the meeting room of the Tucker County Commission.

Approved: 11/09/2005

Linda Cole, Clerk.

S.J. EICHELBERGER, PRESIDENT

OF THE TUCKER COUNTY COMMISSION.