

A RESOLUTION AUTHORIZING AN APPLICATION TO THE COUNTY COMMISSION FOR THE COUNTY OF MARION, STATE OF WEST VIRGINIA, REQUESTING AN EXTENSION AND INCREASE OF THE CORPORATE LIMITS OF THE TOWN OF WHITE HALL BY MINOR BOUNDARY ADJUSTMENTS PURSUANT TO WEST VIRGINIA CODE SECTION 8-6-5

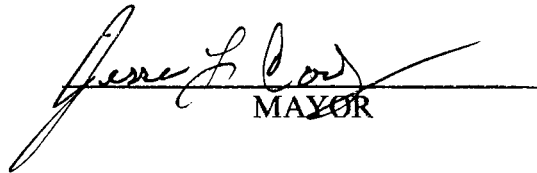
WHEREAS, Chapter 8, Article 6, Section 5 of the West Virginia Code, provides for the increase and extension of the corporate limits of a municipality via annexation by minor boundary adjustments, and

WHEREAS, It is necessary and appropriate for the Town of White Hall to make application to the Honorable County Commission for the County of Marion, State of West Virginia, for annexation by minor boundary adjustments.

NOW THEREFORE, THE TOWN OF WHITE HALL HEREBY RESOLVES THAT:

SECTION 1. AUTHORIZATION: The Mayor, through Legal Counsel, is hereby authorized to make application to the Honorable County Commission for the County of Marion, for annexation by minor boundary adjustments for those certain tracts of real estate commonly referred to as the Middletown Park Area (C.W. Stickley, Inc.), Mary E. Harsh Property, Hillview Development Company Addition and adjacent area, Main Street Boothsville Area, U.S. Route 250 between the Town of White Hall and the Marion-Taylor County Line and Marion County Routes 73/7, 73/10 (to the extent it is not already part of White Hall), 73/11, and 73/73, and adjacent public roads, streets or highways, and adjacent areas belonging to various landowners. This tract of land is contiguous to various highways and, generally, the Town of White Hall. The Mayor, through Legal Counsel, is hereby authorized and requested to prepare the required documents necessary to begin the process of annexation by minor boundary adjustments, and/or all other legal means, of the aforementioned tracts of land.

Passed this the ^{27th} ~~13th~~ day November, 2000.


MAYOR

ATTEST:


CITY CLERK

Drafted by: Michael F. Niggemyer

State Bar #5565
P.O. Box 8043
Fairmont, West Virginia 26555

**IN THE COUNTY COMMISSION OF MARION COUNTY,
WEST VIRGINIA**

**IN RE: APPLICATION OF THE TOWN OF WHITE HALL FOR
ANNEXATION BY MINOR BOUNDARY ADJUSTMENT**

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, 2001, the above referenced Application of the Town of White Hall, a municipal corporation, located in Marion County, West Virginia, was considered by the Commission. Said Application, originally filed on the 31st day of January, 2001, requested an annexation by minor boundary adjustment of certain tracts totaling 19.615 acres, more or less, of unincorporated territory adjoining said Town of White Hall and situate in Grant District, Marion County, West Virginia.

The Application was ordered referred to the Marion County Planning Commission for further review and advice.

After receipt and consideration of the advice of the Marion County Planning Commission, the Application was again considered and ordered amended and reduced in geographic area by the County Commission on the 20th day of July, 2001. Specifically, it was and is found that the sections of said Application known and referred to therein as "Marion County Route 73/10 between Boothsville and Taylor County" line, and "U.S. Route 250 to the Taylor County Line", do not constitute a minor boundary adjustment as included therein and, therefore, the request for annexation, to that extent, is denied.

The Commission was of the opinion that the remainder of the real estate, including the "Middletown Park Area", "Mary E. Harsh Property", "Hillview Development Company Addition Area", and "Main Street Boothsville Area", described in said Application, was contiguous to the present corporate limits of the Town of White Hall and that the remainder of the requested annexation constitutes a minor boundary adjustment.

Accordingly, the Commission ordered that the annexation, as amended, be referred for a public hearing to be held on the 12th day of October, 2001, to allow all persons interested in said annexation an opportunity to be heard. It appearing that the Order of Publication and Notice of Proposed Annexation to the Town of White Hall was published on two (2) separate days, (September 20, 27 and October 4, 2001) as a Class II-0 legal advertisement in the *Fairmont Times-West Virginian*, and that said order and notice were properly posted in the Town of White Hall and the area of annexation, at least fourteen (14) days prior to the hearing, the public hearing was held.

There were several persons that have appeared in opposition to certain areas of the annexation. Most notably, Cyril Minnick (a freeholder of certain property in that area known as Main Street Boothsville, for which he had previously requested annexation by application dated August 14, 1998) and Thomas Christopher (a citizen in the Boothsville area) appeared in opposition at the public hearing. Further, the son of Mary E. Harsh (who is incapacitated and purportedly signed and filed an application requesting annexation of her property with the Town of White Hall on August 18, 1998) appeared at the Commission meeting on the 20th day of July, 2001, in opposition to annexation of his Mother's property. The individuals that have appeared are not opposed to the annexation

of the areas described as the Hillview Development Company Addition Area and the Middletown Park Area.

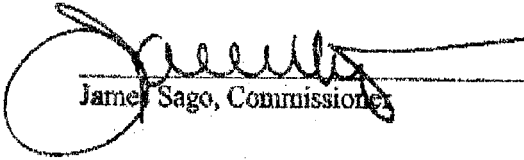
Upon a mature consideration of all matters of record, and considering the appearance of certain freeholders in opposition to annexation of the Main Street Boothsville Area, and the previous appearance of the Son of Mary E. Harsh with respect to the Mary E. Harsh Property, the majority of the Commission is of the opinion and does hereby conclude that: there is substantial opposition to the requested annexation of the Main Street Boothsville Area and the Mary E. Harsh Property; on the other hand, the Hillview Development Company Addition and Middletown Park areas are contiguous with the present corporate limits of said City, the annexation of these two (2) areas to the present corporate limits of White Hall constitutes a minor boundary adjustment, and there is no substantial opposition to the annexation of the Hillview Development Company Addition and Middletown Park areas.

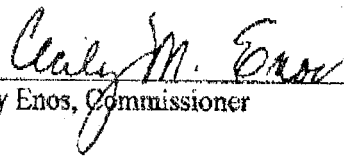
It is therefore **ORDERED** and **DECREED** that the requested annexation of the Main Street Boothsville Area and the Mary E. Harsh Property is **DENIED**.

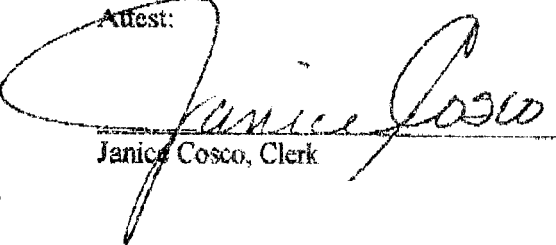
It is **FURTHER ORDERED** and **DECREED** that the real estate areas generally described as the Hillview Development Company Addition Area and Middletown Park Area, which real estate is more particularly bounded and described on those documents titled Boundary Description, Town Of White Hall Annexation, Hillview Development Company Addition Area and Boundary Description, Town Of White Hall Annexation, Middletown Park Area, and dated August, 2000, attached hereto and incorporated herein

as if fully set out verbatim herein, be and are hereby annexed into and made part of the corporate limits of the Town of White Hall, Marion County, West Virginia.


Cody Starcher, Commissioner


James Sago, Commissioner


Cecily Enos, Commissioner

Attest:

Janice Cosco, Clerk