

## IN RE: HARDY COUNTY PUBLIC SERVICE DISTRICT

IN THE MATTER OF THE CREATION OF A PUBLIC SERVICE DISTRICT UNDER THE PROVISIONS OF ARTICLE 13A, CHAPTER 16, OF THE CODE OF WEST VIRGINIA TO BE KNOWN AS THE HARDY COUNTY PUBLIC SERVICE DISTRICT

This matter came on again to be further considered on this 2nd day of July, 1974, upon the motions heretofore made and considered by this Court; upon this Court's own motion and proposal for the creation of a Public Service District for Water and Sewerage Services, as set forth and contained in the order of this Court entered at a regular session of this Court on the 7th day of May, 1974; upon this Court at the same said session having fixed the 15th day of June, 1974, and the Hardy County Court House, at Moorefield, in said county, as the date and place of a public hearing on the creation of the proposed Public Service District; and upon said date so fixed for said hearing being not more than forty days nor less than twenty days from the date of the said action by this Court in proposing the creation of said Public Service District; upon the Clerk of this Court having caused notice of such hearing and the time and place thereof, and setting forth therein a description of all of the territory proposed to be included therein, to be given by the publication thereof as a Class I legal advertisement in compliance with the provisions of West Virginia Code Chapter 59, Article 3, in the Moorefield Examiner, a newspaper published and of general circulation in Hardy County, West Virginia; and in addition by causing a like notice to be posted in five conspicuous places in the proposed Public Service District, which said publication and posting were made on the 5th day of June, 1974, the same being not less than ten days prior to the time of said hearing; upon said public hearing having been held by this Court at the time and place for the purpose aforesaid; upon all persons residing in or owning or having any interest in property in said proposed Public Service District having been afforded an opportunity to be heard for and against its creation; upon no written protest having been offered or filed by thirty percent or more of the qualified voters registered and residing within said district nor by any person or party; upon this Court, at said hearing, having considered and determined the feasibility of the creation of the proposed district; upon this Court having thus determined the same to be feasible, and having further determined that the construction or acquisition by purchase and otherwise, and the maintenance, operation, improvement and extension of public service properties by said Public Service District will be conducive to the preservation of public health, comfort and convenience of such area; upon consideration of all prior orders and actions heretofore entered and taken by this Court; and upon all other matters and evidence before this Court.

Wherefore, it is adjudged and ordered that this Court has considered and doth hereby determine



that the creation of the proposed Public Service District is feasible, and, further, that the construction and maintenance, operation, improvement and extension of public service facilities by said Public Service District will be conducive to the preservation of public health, comfort and convenience of said area.

It is further adjudged and ordered that this Court doth hereby create a Public Service District under and pursuant to the provisions of the Code of West Virginia to be known as the Hardy County Public Service District for Water and Sewerage Services, to be a public corporation and a political subdivision of the State of West Virginia, with power of perpetual succession and having such purposes and with all other powers granted by law, and embracing and having such purposes, powers and jurisdiction given, set forth and provided by said Article 13A, Chapter 16, of the Code of West Virginia as amended; and it is further adjudged and ordered that the Public Service District hereby created shall embrace all of the territory lying within and coextensive with the boundaries of Hardy County, West Virginia, with the exception and excluding therefrom all of the territory therein and lying and included with the municipal corporations of Moorefield and Sardensville; and it is further ordered that the name of said Public Service District shall be the Hardy County Public Service District.

It is further adjudged and ordered that all power of the said Public Service District shall be vested in and shall be exercised by a public service board consisting of three members and that each member shall reside within the limits of the Hardy County Public Service District, and that said members shall constitute the said public service board of the Hardy County Public Service District without any further act or proceedings.

It is further ordered that the following persons be and are appointed members of the Public Service Board of the Hardy County Public Service District for the respective terms indicated, namely, that Charles Vetter be and is appointed for a four year term, that Matthew Gapp be and is appointed for six year term, and that Neil Sherman be and is appointed for a two year term; and said members shall qualify by taking the oath of office as soon as practicable to be administered by the Clerk of this Court, and shall proceed to organize as required by law.

RE: COUNTY COURT OF HARDY COUNTY, WEST VIRGINIA

RONALD B. POWNELL

This Agreement, Made and entered into this 1st day of July, 1974, by and between the County Court Hardy County, West Virginia, party of the first part, and Donald B. Pownell, party of the second part.

The first party hereby employs the second party to perform certain acts and duties as hereinafter defined which employment the second party does hereby accept and agree to perform and the parties