

D E E D

This DEED, made this 2nd day of April, 2009, by and between **OHIO COUNTY DEVELOPMENT AUTHORITY**, a West Virginia public corporation, "Party of the First Part," and **WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY**, a West Virginia public corporation, "Party of the Second Part."

W I T N E S S E T H

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Party of the First Part does GRANT and CONVEY unto the Party of the Second Part the following described property being more particularly bounded and described as follows:

All that certain tract or parcel of land situate in the District of Triadelphia, County of Ohio, State of West Virginia and being more particularly bounded and described as follows:

Beginning at a point being North 43 degrees 25 minutes 41 seconds West, 234 and 53/100 feet from the southwesterly terminus of the call South 50 degrees 19 minutes 51 degrees West, 809 and 21/100 feet in the description of the 471 acre tract of land conveyed to the Ohio County Development Authority by deed dated June 19, 2003 and of record in the Office of the Clerk of the County Commission of Ohio County in Deed Book 743 at page 328: thence from said point of beginning through lands of the Ohio County Development Authority South 52 degrees 22 minutes 16 seconds West, 213 and 54/100 feet to a point; thence North 86 degrees 02 minutes 02 seconds West, 207 and 00/100 feet to a point; thence South 77 degrees 24 minutes 32 seconds West, 134 and 67/100 feet to a point; thence South 48 degrees 53 minutes 41 second West, 238 and 64/100 feet to a point; thence South 19 degrees 06 minutes 01 seconds West, 189 and 60/100 feet to a point; thence South 59 degrees 00 minutes 16 seconds West, 413 and 02/100 feet to a point; thence South 17 degrees 41 minutes 38 seconds West, 426 and 70/100 feet to a point; thence South 68 degrees 03 minutes 28 seconds West, 490 and 07/100 feet to a point; thence North 63 degrees 31 minutes 58 seconds West, 184 and 73/100 feet to a point; thence North 9 degrees 22 minutes 45 seconds East, 427 and 45/100 feet to a point; thence North 33 degrees 31 minutes 2 seconds East, 235 and 1/100 feet to a point; thence North 63 degrees 34 minutes 32 seconds East, 208 and 16/100 feet to a point; thence North 28 degrees 55 minutes 32 seconds East, 791 and 87/100 feet to a point; thence North 5 degrees 17 minutes 54 seconds East 222 and 11/100 feet to a point; thence North 32 degrees 50 minutes 51 seconds West, 126 and 3/100 feet to a point; thence North 21 degrees 41 minutes 10 seconds West, 123 and 47/100 feet to a point; thence North 29 degrees 19 minutes 6 seconds East, 330 and 93/100 feet to a point; thence North 30 degrees 55 minutes 31 seconds East, 32 and 29/100 feet to a point;

thence South 48 degrees 56 minutes 52 seconds East, 430 and 95/100 feet to a point; thence South 11 degrees 57 minutes 16 seconds East, 119 and 19/100 feet to a point; thence South 49 degrees 11 minutes 27 seconds East, 857 and 32/100 feet to the place of beginning and containing 32 and 80/100 acres more or less.

Being part of the same property conveyed to the Ohio County Development Authority by deed dated June 19, 2003 and of record in the Office of the Clerk of the County Commission of Ohio County in Deed Book 743 at page 328.

There is also granted to the Party of the Second Part the right to use in common with the Party of the First Part all rights of ingress and egress and all rights-of-way for utilities enjoyed by the Party of the First Part and which impact and/or service the subject property.

The property which is the subject of this conveyance is subject to all of the conditions, reservations, stipulations, and exceptions as aforesaid and as may be contained in prior instruments of record and/or any plat of record.

There is excepted and reserved and not hereby conveyed all of the oil, gas, coal and other minerals underlying the above described property, together, with all necessary drilling and mining rights and privileges.

There is excepted and reserved from this conveyance a right-of-way for general utility purposes including the installation and maintenance of same provided that such right-of-way shall not interfere with the building improvements or proposed improvements of the Party of the Second Part. There is also excepted and reserved from this conveyance, a general right of way for ingress and egress to and from the remaining portions of the larger parcels of property from which the subject property is derived as well as other property owned by the Party of the First Part, provided that such right of way shall not interfere with the building improvements or proposed improvements of the Party of the Second Part.

The property conveyed by this deed is subject to that certain Exclusive Option to Purchase as set forth in that Memorandum of Exclusive Option to Purchase intended to be recorded immediately after this deed.

The Party of the First Part WARRANTS SPECIALLY the property hereby conveyed.

The Party of the First Part has no actual knowledge or reason to believe that the property or the substrata or subsurface of the property has been used for the storage, treatment, or disposal of hazardous waste or contains an underground storage tank or tanks.

The Grantor hereby declares that this conveyance is exempted from the West Virginia Excise Tax on the transfer of real property, as it is a conveyance from a political subdivision of the State of West Virginia.

WITNESS the following signature:

**OHIO COUNTY DEVELOPMENT
AUTHORITY, a West Virginia public
corporation**

By: *Gregory L. Stewart*
Gregory L. Stewart
Its: Secretary/Treasurer

STATE OF WEST VIRGINIA,
COUNTY OF OHIO, TO-WIT:

I, Donald A. Nickerson, Jr., a Notary Public in and for the said State and County, do hereby certify that Gregory L. Stewart, Secretary/Treasurer of Ohio County Development Authority, whose name is signed to the writing above bearing date the 2nd day of April, 2009, has this day acknowledged the same before me.



Given under my hand and seal this 2nd day of April, 2009.

Donald A. Nickerson
Notary Public

Commission Expires: 1/29/13

This instrument prepared by Donald A. Nickerson, Jr., WWSB #6281, JACKSON KELLY PLLC, 1144 Market Street, Suite 400, PO Box 871, Wheeling, WV 26003, (304) 233-4000. By the preparation of this deed, Donald A. Nickerson, Jr. makes no representation or warranty with respect to the extent or quality of title to the property hereby conveyed or to any other matter which may be disclosed in a title examination.

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PATRICIA A FAHEY
OHIO County 03:26:35 PM
Instrument No 1828238
Date Recorded 04/02/2009
Document Type DEED
Book-Page 792-682