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The Minutes of the Marshall University Board of Governors Meeting, October 22, 2019

Marshall University Board of Governors

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Marshall University Board of Governors
October 22, 2019
Old Main 213

Board Members Present by Phone: Jim Bailes, Chairman; Bill Noe, Geoff Sheils, Dan Holbrook, Chris Miller, Bill Smith, Stephanie Rogner, Sandy Thomas, Carol Hurula, Toney Stroud, Patrick Farrell, Christie Kinsey,

Others Present by Phone or In Person: President Gilbert, Layton Cottrill, Jaime Taylor, Jeff O'Malley, Mike Hamrick, Brandi Jacobs-Jones, Ginny Painter, Jeff Pratt, Chris Plybon (attorney), Leah Payne, Taylor Stuck (reporter)

I. **Call to Order**

Upon determining a quorum was present, Mr. Bailes called the meeting to order.

II. **Resolution**

Upon a motion by Mr. White, seconded by Mr. Stroud, the following resolution was read:

Resolved, that the Marshall University Board of Governors approves the purchase of two (2) lots in the City of Huntington, West Virginia as described as Parcels A & B of this resolution for the purpose of constructing a baseball field. The Board further authorizes the President of the University to execute the necessary documents to effectuate the purchase thereof. (Attached as Exhibit A below)

Motion carried.

III. **Adjournment**

There being no other business to be brought before the Board of Governors, upon a motion and duly seconded, the meeting was adjourned. Motion carried.

Secretary

**Marshall University Board of Governors
Meeting of October 22, 2019**

ITEM: Purchase of two parcels in the City of Huntington, West Virginia.

COMMITTEE: Committee of the Whole

RECOMMENDED RESOLUTION: *Resolved*, That the Marshall University Board of Governors approves the purchase of two (2) lots in the City of Huntington, West Virginia as described as Parcels A & B of this resolution for the purpose of constructing a baseball field. The Board further authorizes the President of the University to execute the necessary documents to effectuate the purchase thereof.

STAFF MEMBER: Mike Hamrick, Athletic Director

BACKGROUND:

On August 30th, 2019, Marshall University entered into a Real Estate Purchase Agreement with the Huntington Municipal Development Authority for the purchase of the following real property situate in Huntington, Cabell County, West Virginia and described as follows:

The Land consists of the two parcels identified above and more particularly described in as Parcels A & B attached hereto and incorporated by reference herein. The property to be conveyed by Seller to Purchaser shall consist of the Land, together with: (a) all buildings, improvements and structures thereon and improvements and fixtures thereto; (b) all rights, privileges, easements, hereditaments, appendages and appurtenances thereunto belonging and in anywise appertaining, (c) all rights, title, interest and estate of the Seller in and to streets, roads, ways, sidewalks, curbs, alleys and areas adjoining said Land and portions thereof, whether vacated by law or ordinance (conditionally or otherwise); and (d) all personal property, fixtures, accessories, systems or other property situate on the Land (the Land and all of the foregoing being collectively referred to as the "Property"). The Property is to be delivered to the Purchaser in as good condition as it is in on the Effective Date, ordinary wear and tear excepted.

The agreed upon purchase price for the property is Three Hundred Thousand Dollars (\$300,000), plus the sum of One Hundred Sixty-eight Thousand Dollars (\$168,000) to reimburse the fees of the HMDA environmental consultant for a total of Four Hundred Sixty-eight Thousand Dollars (\$468,000).

The purpose of obtaining this property for the construction of the Marshall University Baseball Stadium.

DESCRIPTION for PARCEL "A"

All those certain lots, pieces or parcels of land situate in the State of West Virginia, Cabell County, City of Huntington, Block 233, known and designated as BASF Parcel 4, as shown on the plat dated October 13, 2004, and entitled, "PLAN OF: BASF PROPERTY-FIFTH AVENUE FACILIT, SUTUATED IN; CITY OF HUNTINGTON, COUNT OF CABELL, STATE OF WEST VIRGINIA, PREPARED FOR: BASF, A DELAWARE CORPORATION, PROJECT NUMBER; SSD-8160", and recorded in Plat Book 13, Page 41, and being more particularly bounded and described as follows:

BEGINNING a magnail (set), marking a corner common to the lands now owned by BPS Printing Systems, LLC, (D.B. 1132, Pg. 758), and the lands now or formerly owned by CSX Transportation, Inc., (D.B. 896, Pg. 178), and being on the north right-of-way line of Fifth Avenue, having a coordinate value of N. 521,668.02 and E. 1,562,501.99, from which a magnail (found), bears: North 65° 23' 31" East 1.71 feet; thence, leaving the north right-of-way line of the said 5th Avenue, and with the lands of the said CSX Transportation, Inc.,

North 11° 34' 448" West 430.00 feet to a chain link fence corner post (found), in the line of the lands now or formerly owned by ACF Industries, LLC, (D.B. 1271, Pg. 253); thence, leaving the lands of the said CSX Transportation, Inc., and with the lands of the said ACF Industries, LLC,

North 78° 25' 12" East, passing an iron pin with an orange plastic cap, stamped "Converse WV LLS 256" (found), at 1.54 feet, in all 441.00 feet to a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (set), in the west right-of-way line of 24th Street; thence, leaving the lands of the said ACF Industries, LLC, and with the west right-of-way line of the said 24th Street,

South 11° 34' 48" East 430.00 feet to a cotton gin spindle (set) on the north right-of-way line of the said 5th Avenue; thence, leaving the west right-of-way line of the said 24th Street, and north right-of-way line of the said 5th Avenue,

South 78° 25' 12" West 441.00 feet to the BEGINNING, containing 4.353 acres, more or less, as surveyed under the supervision of Jeffrey M. Eastham, West Virginia Licensed Professional Surveyor No. 2067, on January 14, 2019, and being all of Parcel "A", as shown on the attached plat and made a part of this description.

The above bearings and distances are based on the West Virginia State Plane Coordinate System, South Zone, NAD '83, U.S. survey feet.

LSOT: Deed Book 1132, Page 758, recorded in the Office of the Clerk of the County Commission of Cabell County, West Virginia.

Tax Map No. 20, Tax Parcel No. 43.

This survey does not constitute a Title Search by the Surveyor. Title Commitment Number 148990.00977 revised January 4, 2019, was provided. This survey is subject to all restrictions, reservations, right-of-ways, easements, utilities, covenants, exceptions, conveyances, leases and exclusions previously imposed and appearing of record, and those not of record.

Jeffrey M. Eastham, P.S.
Registration No. 2067

DESCRIPTION for PARCEL "B"

All those certain lots, pieces or parcels of land situate in the State of West Virginia, Cabell County, City of Huntington, Block 241, known and designated as BASF Parcels 3 and 11 and a portion of a vacated 20 foot alley (the property), as shown on the plat dated October 13, 2004, and entitled, "PLAN OF: BASF PROPERTY-FIFTH AVENUE FACILIT, SUTUATED IN; CITY OF HUNTINGTON, COUNT OF CABELL, STATE OF WEST VIRGINIA, PREPARED FOR: BASF, A DELAWARE CORPORATION, PROJECT NUMBER; SSD-8160", and recorded in Plat Book 13, Page 41, and being more particularly bounded and described as follows:

BEGINNING a magnail (set), marking a corner common to the lands now owned by BPS Printing Systems, LLC, (D.B. 1132, Pg. 758), and marking the intersection of the east right-of-way line of 24th Street, with the north right-of-way line of 5th Avenue, having a coordinate value of N. 521,769.13 and E. 1,562,993.22; thence, leaving the north right-of-way line of the said 5th Avenue, and with the east right-of-way line of the said 24th Street,

North 11° 34' 20" West 390.00 feet to an iron pin with an orange plastic cap, stamped "Converse WV LLS 256" (found) at the intersection of the east right-of-way line of the said 24th Street with the south right-of-way line of 4th Avenue; thence, leaving the east right-of-way line of the said 24th Street, and with the south right-of-way line of the said 4th Avenue,

North 78° 25' 40" East 355.00 feet to a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (set) on the west line of Varnum and Crookshank Subdivision; thence, leaving the south right-of-way line of the said 4th Avenue and with the west line of the said Varnum and Crookshank Subdivision,

South 11° 34' 20" East 185.00 feet to a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (set) on the north right-of-way line of a 20 foot alley; thence, leaving the said Varnum and Crookshank Subdivision, and with the north right-of-way line of the said 20 foot alley,

South 78° 25' 40" West 20.00 feet to a 5/8" iron pin (found); thence, leaving the north right-of-way line of the said 20 foot alley, and with the west end of the said alley per vacation as shown on (P.B. 13, Pg. 41);

South 11° 34' 20" East 20.00 feet to a 5/8" reinforcing rod with a red plastic cap stamped "Eastham & Associates" (set) on the south right-of-way line of the said 20 foot alley; thence, with the south-right-of-way line of the said 20 foot alley,

North 78° 25' 40" East 20.00 feet to an iron pin with an orange plastic cap, stamped "Converse WV LLS 256" (found) in the west right-of-way line of Azel Meadows Subdivision; thence, leaving the south right-of-way line of the said 20 foot alley, and with the west line of the said Azel Meadows Subdivision,

South 11° 34' 20" East 185.00 feet to an iron pin with an yellow plastic cap, stamped "R.L. EASTHAM PLS 150" (recovered), on the north right-of-way line of the said 5th Avenue; thence, leaving the said Azel Meadows Subdivision, and with the north right-of-way line of the said 5th Avenue,

South 78° 25' 40" West 355.00 feet to the BEGINNING, containing 3.169 acres, more or less, as surveyed under the supervision of Jeffrey M. Eastham, West Virginia Licensed Professional Surveyor No. 2067, on January 14, 2019, as shown on the attached plat and made a part of this description.

The above bearings and distances are based on the West Virginia State Plane Coordinate System, South Zone, NAD '83, U.S. survey feet.

LSOT: Deed Book 1132, Page 758, recorded in the Office of the Clerk of the County Commission of Cabell County, West Virginia.

Tax Map No. 20, Tax Parcel No. 45.

This survey does not constitute a Title Search by the Surveyor. Title Commitment Number 148990.00977 revised January 4, 2019, was provided. This survey is subject to all restrictions, reservations, right-of-ways, easements, utilities, covenants, exceptions, conveyances, leases and exclusions previously imposed and appearing of record, and those not of record.

Jeffrey M. Eastham, P.S.
Registration No. 2067