

**BOND AUTHORIZING ORDINANCE
OF THE WHEELING MUNICIPAL BUILDING COMMISSION**

AN ORDINANCE OF THE WHEELING MUNICIPAL BUILDING COMMISSION (THE “ISSUER”) AUTHORIZING THE ACQUISITION BY THE ISSUER FROM THE CITY OF WHEELING (THE “CITY”) OF CERTAIN REAL PROPERTY OWNED BY THE CITY THAT WAS THE SITE OF THE FORMER HOSPITAL KNOWN AS “OHIO VALLEY MEDICAL CENTER” (THE “PROPERTY”) FOR THE PURPOSE OF FACILITATING THE REDEVELOPMENT OF THE PROPERTY; AUTHORIZING THE DEMOLITION OF THE EXISTING STRUCTURES ON THE PROPERTY, INCLUDING ANY ASBESTOS ABATEMENT WORK REQUIRED AS PART OF THE DEMOLITION, AND PREPARATION OF THE PROPERTY FOR THE FUTURE CONSTRUCTION BY WEST VIRGINIA UNITED HEALTH SYSTEM, INC. D/B/A WEST VIRGINIA UNIVERSITY HEALTH SYSTEM (“WVUHS”) OF A COMPREHENSIVE CANCER CENTER (COLLECTIVELY, THE “PROJECT”); THE ISSUANCE OF THE WHEELING MUNICIPAL BUILDING COMMISSION LEASE REVENUE BONDS, SERIES 2023 A (WVUHS REGIONAL CANCER CENTER PROJECT), IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$20,000,000 (THE “SERIES 2023 A BONDS”) TO PAY COSTS OF THE PROJECT, COSTS OF ISSUANCE OF THE SERIES 2023 A BONDS AND RELATED COSTS; THE LEASING BY THE ISSUER TO OHIO VALLEY ADC, INC. OF THE GROUND PORTION ONLY OF THE PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND INDENTURE AND SECURITY AGREEMENT, A GROUND LEASE, AND A BOND PURCHASE AGREEMENT; AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF SUCH BONDS; PROVIDING PARAMETERS FOR THE TERMS OF THE SERIES 2023 A BONDS; AUTHORIZING EXECUTION AND DELIVERY OF OTHER DOCUMENTS, INSTRUMENTS, CERTIFICATES AND AGREEMENTS AND THE TAKING OF ALL OTHER ACTIONS RELATING TO SUCH FINANCING; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

WHEREAS, The City of Wheeling (the “City”) enacted an ordinance on January 20, 1976, creating the Wheeling Municipal Building Commission (the “Issuer”), a public

corporation and municipal building commission pursuant to the authority granted to it in Chapter 8, Article 33 of the West Virginia Code of 1931, as amended (the “Act”);

WHEREAS, the Issuer, under the Act, has plenary power and authority to acquire, purchase, own and hold any property, real or personal, and acquire, construct, equip, maintain and operate public buildings, structures, projects and appurtenant facilities of any type or types for which the City is permitted by law to expend public funds, and to sell, encumber or dispose of any property, real or personal, and lease its property or any part thereof, for public purposes, to such persons and upon such terms as the Issuer deems proper;

WHEREAS, the City is empowered and authorized by Chapter 8, Article 12, Section 5 and Chapter 8, Article 16 of the Code of West Virginia of 1931, as amended, to establish, construct, acquire, maintain and operate hospitals and similar healthcare facilities;

WHEREAS, the Issuer, under the Act, has plenary power and authority to issue negotiable bonds, notes, debentures or other evidences of indebtedness and provide for the rights of the holders thereof, incur any proper indebtedness and issue any obligations and give any security therefor which it may deem necessary or advisable in connection with exercising powers as provided in the Act;

WHEREAS, for the purpose of facilitating the undertaking of the hereinafter defined Project, the City has requested that the Issuer agree to acquire from the City certain real property, all improvements situate thereon and all rights of way and appurtenances thereto located in downtown Wheeling, West Virginia, that was the site of the former hospital known as “Ohio Valley Medical Center,” which real property and appurtenances are more particularly described in Exhibit A attached hereto and made a part hereof (the “Property”), pursuant to such deeds or other instruments of conveyance as may be necessary and appropriate under the circumstances (collectively, the “Conveyance Documents”);

WHEREAS, pursuant to a Letter of Intent among the City, The County Commission of Ohio County (the “County Commission”) and West Virginia United Health System, Inc. d/b/a West Virginia University Health System (“WVUHS”) effective as of October 31, 2022 (the “LOI”), WVUHS, in conjunction with one or more of its affiliates, intends to develop on the Property a comprehensive cancer center to serve the citizens of Ohio County, West Virginia, and the surrounding regions (the “Regional Cancer Center”);

WHEREAS, pursuant to the LOI, the City, the County Commission and WVUHS have each agreed to make financial contributions to facilitate the development of the Property through demolition of the existing structures on the Property, including any asbestos abatement work required as part of the demolition, and preparation of the Property for the future construction of the Regional Cancer Center (collectively, the “Project”);

WHEREAS, WVUHS has requested the assistance of the City and the Issuer with the financing of WVUHS’s portion of the costs of the Project (the “WVUHS Contribution”) through the issuance of the Issuer’s revenue bonds, in one or more series, to be designated the Wheeling Municipal Building Commission Lease Revenue Bonds, Series 2023 A (WVUHS Regional Cancer Center Project) (the “Series 2023 A Bonds”) for the purposes of: (i) financing the WVUHS Contribution, and (ii) paying costs of issuance of the Series 2023 A Bonds;

WHEREAS, to facilitate the financing of the WVUHS Contribution, the Issuer desires to acquire the Property from the City and will, at the request of the City, lease the ground portion only of the Property exclusive of any improvements now or hereafter situate thereon or any appurtenances thereto with the exception of any rights of way providing access to the Property (the “Leased Property”) to Ohio Valley ADC, Inc. (“ADC”), and that ADC sublease the Leased Property to WVUHS;

WHEREAS, the Issuer shall lease the Leased Property to ADC pursuant to a Ground Lease Agreement (the “Ground Lease”), and ADC shall sublease the Leased Property to WVUHS pursuant to a Sublease Agreement (the “Sublease” and together with the Ground Lease, the “Leases”);

WHEREAS, the Issuer will, pursuant to a Bond Indenture and Security Agreement (the “Indenture”), by and between the Issuer and Wesbanco Bank, Inc., as trustee, registrar, paying agent and depository bank for the Series 2023 A Bonds (the “Trustee”), assign all of its rights in the Leases (except for certain indemnification rights and reimbursement rights) to the Trustee for the benefit and security of the registered owners of the Series 2023 A Bonds;

WHEREAS, the Issuer shall sell the Series 2023 A Bonds to such purchaser (the “Purchaser”) as shall be designated in a resolution supplemental to this Ordinance (the “Supplemental Resolution”) pursuant to a Bond Purchase Agreement (as defined herein); and

WHEREAS, the Issuer deems it desirable and in keeping with its purposes under the Act, to issue the Series 2023 A Bonds, in one or more series, in an aggregate principal amount not to exceed \$20,000,000 for the purposes of (i) financing the WVUHS Contribution, and (ii) paying costs of issuance of the Series 2023 A Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE WHEELING MUNICIPAL BUILDING COMMISSION, AS FOLLOWS:

Section 1. This Ordinance is adopted and enacted pursuant to and in accordance with the provisions of the Act and other applicable provisions of law. It is hereby found and determined following a public hearing thereon as follows: (i) the acquisition of the Property generally described in Exhibit A hereto pursuant to the Conveyance Documents is hereby authorized and approved; (ii) that the undertaking of the Project by WVUHS and the application of a portion of the proceeds of the Series 2023 A Bonds to finance the WVUHS Contribution to the same is hereby authorized and approved; (iii) that the leasing of the Leased Property by the Issuer to ADC pursuant to the Ground Lease is hereby authorized and approved; and (iv) that the issuance of the Series 2023 A Bonds by the Issuer pursuant to the Act for the purposes herein described is hereby authorized and approved and is necessary to promote the purposes of the Act.

Section 2. To accomplish the purposes of the Act, the issuance of the Series 2023 A Bonds by the Issuer is hereby authorized and approved for the purposes herein described. The Series 2023 A Bonds are authorized to be issued in the maximum aggregate principal amount of not to exceed \$20,000,000. The Series 2023 A Bonds shall be dated such date, shall bear interest at a fixed rate, payable at such times and at such rates not to exceed 9.0% per annum, shall mature on such dates not later than December 31, 2053, and in such principal amounts, shall have such provisions for redemption and shall have such other provisions as set

forth and approved in the Supplemental Resolution and a Certificate of Determinations to be executed and delivered by the Issuer in connection with the issuance and sale of the Series 2023 A Bonds (the “Certificate of Determinations”).

Section 3. The Series 2023 A Bonds, together with the interest thereon and other costs incidental thereto, shall be secured solely by the pledges effected by the Indenture herein authorized and defined. The Series 2023 A Bonds, together with the interest thereon and other costs incidental thereto, shall not be deemed to be and shall not constitute an indebtedness of the Issuer, but shall be special and limited obligations of the Issuer, payable solely from the revenues or properties derived from, or in connection with, the Indenture and the Leases and the funds pledged therefor pursuant to the Indenture. Neither the Series 2023 A Bonds nor the interest thereon, nor any other cost or charge in connection therewith, shall be a charge against or pledge of the property, faith and credit or taxing power, if any, of the State of West Virginia, the Issuer or the City, except as to such property expressly provided therefor in the Indenture, nor shall the same ever constitute an indebtedness of the State of West Virginia, the Issuer or the City within the meaning of any constitutional provision or statutory limitation or constitute or give rise to a pecuniary liability of the State of West Virginia, the Issuer or the City. No recourse shall be had for the payment of the principal of and interest on the Series 2023 A Bonds against any official or member of the Issuer. The holders of the Series 2023 A Bonds shall have no right to have taxes levied by the legislature of the State of West Virginia or the taxing authority, if any, of the Issuer or the City for the payment of the principal of, premium, if any, or interest on the Series 2023 A Bonds, but the Series 2023 A Bonds shall be payable solely from the revenues, properties and funds pledged therefor under the Indenture.

The Issuer hereby and in the Indenture pledges the revenues and receipts derived from the Leases to the payment of the Series 2023 A Bonds and the interest thereon in the manner and to the extent provided in the Indenture, but nothing in the Series 2023 A Bonds or in the Indenture or otherwise shall be considered to, nor shall, pledge any other funds or assets of the Issuer or the County Commission, except such property as is particularly set forth in the Indenture.

Section 4. The Issuer is authorized to acquire the Property from the City pursuant to the Conveyance Documents and the Chairman and Secretary of the Issuer are authorized to execute, seal and deliver the Conveyance Documents in connection with such acquisition. The City and the Issuer have agreed that the fair market value of the Property is \$85,000.

Section 5. The Ground Lease, substantially in the form as submitted to this meeting and made a part of this Ordinance as though set forth in full herein, shall be and the same is hereby approved. The Chairman and the Secretary of the Issuer are hereby authorized and directed to execute, acknowledge, if necessary, and deliver the Ground Lease with such changes, insertions, variations and omissions as may be approved by the Chairman, and the Secretary is hereby authorized and directed to affix the seal of the Issuer thereto and to attest such seal. The execution of the Ground Lease by the Chairman shall be conclusive evidence of the approval of such changes, insertions, variations and omissions.

Section 6. The Indenture, substantially in the form as submitted to this meeting and made a part of this Ordinance as though set forth in full herein, shall be and the

same is hereby approved. The Chairman and the Secretary of the Issuer are hereby authorized and directed to execute, acknowledge, if necessary, and deliver the Indenture with such changes, insertions, variations and omissions as may be approved by the Chairman, and the Secretary is authorized and directed to affix the seal of the Issuer thereto and attest such seal. The execution of the Indenture by the Chairman shall be conclusive evidence of the approval of such changes, insertions, variations and omissions.

Section 7. The Bond Purchase Agreement (the “Bond Purchase Agreement”) to be dated the date of purchase and sale of the Bonds to the Purchaser, by and between the Purchaser and the Issuer, with the acknowledgement and agreement of WVUHS, substantially in the form submitted to this meeting and made a part of this Ordinance as though set forth in full herein, shall be and the same is hereby approved. The Chairman of the Issuer is hereby authorized and directed to execute, acknowledge, if necessary, and deliver the Bond Purchase Agreement with such changes, insertions, variations and omissions as may be approved by the Chairman. The execution of the Bond Purchase Agreement by the Chairman shall be conclusive evidence of the approval of such changes, insertions, variations and omissions.

Section 8. Piper Sandler & Co. is hereby appointed as the Placement Agent for the Series 2023 A Bonds.

Section 9. The Series 2023 A Bonds, substantially in the form of Exhibit B attached hereto and made a part hereof with such changes as shall be approved by the Chairman as evidenced by his execution and delivery of the Series 2023 A Bonds, shall be issued in certificate form in accordance with the provisions of the Indenture and shall be delivered to the Trustee to be registered and delivered to the Purchaser in accordance with the terms of the Indenture. The Chairman and Secretary of the Issuer shall execute the Series 2023 A Bonds as necessary and affix, imprint or otherwise reproduce the official seal of the Issuer thereto and the Series 2023 A Bonds shall contain a recital to the effect that the Series 2023 A Bonds are issued pursuant to the Act.

Section 10. The Chairman and Secretary and any other proper officers of the Issuer, together with all other members and employees thereof, are hereby authorized and directed to execute, acknowledge and deliver any and all papers, documents, agreements, certificates and instrument, to affix the seal of the Issuer and attest the same for and on behalf of the Issuer and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance, the Series 2023 A Bonds, the Leases, the Indenture and the Bond Purchase Agreement.

Section 11. All covenants, stipulations, obligations and agreements of the Issuer contained herein and contained in the Series 2023 A Bonds, the Indenture, the Leases and the Bond Purchase Agreement shall be deemed to be the special and limited covenants, stipulations, obligations and agreements of the Issuer to the full extent permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Issuer and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided herein, all rights, powers and privileges conferred and duties and liabilities imposed upon the Issuer or the officials thereof by the provisions hereof and by the Series 2023 A Bonds, the Indenture, the Leases and the Bond

Purchase Agreement shall be exercised or performed by the Issuer or by such officers, board or body as may be required or permitted by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the Series 2023 A Bonds, the Indenture, the Leases and the Bond Purchase Agreement shall be deemed to be a covenant, stipulation, obligation or agreement of any officer, agent or employee of the Issuer in his or her individual capacity and neither the members of the Issuer nor any officer executing the Series 2023 A Bonds shall be subject to any personal liability or accountability by reason of the issuance of the Series 2023 A Bonds. No member of the Issuer or officer or employee of the Issuer shall be individually or personally liable for the payment of the principal of or the interest on any Bond, but nothing herein contained shall relieve any such member, official or employee from the performance of any official duty provided by law or this Ordinance.

Section 12. The laws of the State of West Virginia shall govern the construction of this Ordinance and all Series 2023 A Bonds issued hereunder.

Section 13. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, such invalidity shall not affect any of the remaining provisions of this Ordinance.

Section 14. All ordinances, orders, resolutions or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 15. Upon adoption of this Ordinance on second reading, the Secretary is hereby authorized and directed to have an abstract of this Ordinance, in substantially the form of Exhibit C attached hereto and incorporated in this Ordinance by reference, published once a week for two consecutive weeks in *The Wheeling News Register* and *The Intelligencer*, newspapers published and having a general circulation in the City, together with a notice to all persons concerned, stating that this Ordinance has been adopted and that the Issuer contemplates the issuance of the Series 2023 A Bonds described in this Ordinance and that any person interested may appear before the Issuer at the public hearing to be had at a public meeting of the Issuer on _____, _____, 2023 at __:___.m., prevailing time, in the City Council Chambers, 1500 Chapline Street, Wheeling, West Virginia, and present protests, and that a certified copy of this Ordinance is on file with the Secretary of the Issuer for review by interested parties during the office hours of the Issuer. At such hearing all protests and suggestions shall be heard by the Issuer and it shall then take such action as it shall deem proper in the premises.

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This Ordinance shall become effective following public hearing hereon in accordance with the Act.

First Reading: July 5, 2023

Second Reading: _____, 2023

Effective Following Third Reading
and Public Hearing: _____, 2023

WHEELING MUNICIPAL BUILDING COMMISSION

By: _____
Its Chairman

CERTIFICATION

The undersigned, being the duly qualified, appointed or elected, as applicable, and acting Secretary of the Wheeling Municipal Building Commission, does hereby certify that the foregoing is a true, correct and complete copy of an Ordinance duly enacted by the Wheeling Municipal Building Commission, at special meetings thereof, duly held on July 5, 2023, _____, 2023, and _____, 2023, pursuant to proper notice, at which meetings quorums were present and acting throughout, and which Ordinance has not been repealed, rescinded, modified, amended or revoked and is a true, correct and complete copy thereof as witness my hand and the seal of the Wheeling Municipal Building Commission this _____, 2023.

By: _____
Secretary, Wheeling Municipal
Building Commission

EXHIBIT A – PROPERTY DESCRIPTION

TRACT I

The following parcels of land situate between Eoff Street and Chapline Street and 20th and 22nd Streets, City of Wheeling, Center District, Ohio County, West Virginia, and comprising all of Lots 193, 194, 195, 196, 197, 198, 199, 200, 203, 220, 222 and a part of Lots 223, 225, 227 (Parcel 2) and 230 (Parcel One) and also part of Eoff Street, 20th Street and Lanes 17 and 18 and D, as shown on the Plat of Eoff and Chapline Addition, said plat being recorded in the office of the Clerk of the County Court of Ohio County, West Virginia, in Deed Book 15, at page 138 and being more particularly bounded and described as follows:

Parcel One: Beginning at a point in the northerly line of the concrete side walk now standing in the southerly portion of 20th Street, said beginning point located from a nail and ribbon at the intersection of the northerly line of 22nd Street, with the easterly line of Chapline Street, the following three (3) bearings and distances: N. 26° 10' E. 624 and 62/100 feet, measured along said easterly line of Chapline Street, to a point located S. 26° 10' W. 4 and 68/100 feet from a cross cut in a concrete sidewalk; thence with the northerly line of first above mentioned concrete sidewalk, the following two (2) bearings and distances: S. 46° 34' E. 123 and 48/100 feet to a point; thence S. 46° 47' E. 97 and 46/100 feet to said beginning point, said nail and ribbon being also located at the most westerly corner of Lot No. 193; thence from said beginning point and with said northerly line of a concrete sidewalk, the following three (3) bearings and distances: S. 46° 47' E. 16 and 24/100 feet to a point; thence S. 45° 42' E. 55 and 55/100 feet to a point; thence S. 35° 44' E. 20 and 62/100 feet to a point in the center line of Eoff Street; thence with said center line of Eoff Street, S. 26° 10' W. 95 and 3/10 feet to a point; thence N. 63° 50' W. 33 feet to a point in the westerly line of Eoff Street, at its intersection with the center line of Lane 17; thence with said center line of Lane 17, N. 46° 48' W. 63 and 96/100 feet to a point in the southerly, extension of the division line between Lots 227 and 230; thence with said extension and then said division line, N. 26° 10' E. 56 and 62/100 feet to a point; thence with other property now owned by Ohio Valley General Hospital Association, the following three (3) bearings and distances: N. 63° 50' W. 5 feet to a point; thence N. 47° 12' E. 13 and 92/100 feet to a point; thence N. 37° 20' E. 29 and 46/100 feet to the place of beginning, containing Ten Thousand Forty and Forty-seven Hundredths (10,040 and 47/100) square feet, more or less.

Said parcel is identified by the Ohio County Assessor's office as Tax Map W59, Parcel 427.

Parcel Two: Beginning at a nail and ribbon at the intersection of the northerly line of 22nd Street, with the easterly line of Chapline Street, said beginning nail and ribbon being also the most westerly corner of said Lot No. 193; thence from said beginning nail and ribbon and with said easterly line of Chapline Street, N. 26° 10' E. 624 and 62/100 feet to a point; said point being located S. 26° 10' W. 4 and 68/100 feet from a crosscut in a concrete sidewalk; thence leaving the said easterly line of Chapline Street, and with the northerly line of the concrete sidewalk, now standing in the southerly portion of 20th Street, the following two (2) bearings and distances: S. 46° 34' E. 123 and 48/100 feet to a point; thence S. 46° 47' E. 15 and 5/100 feet to a point in the northerly extension of the center line of Lane D; thence with said northerly extension and then said center line, S. 26° 10' W. 200 and 16/100 feet to a point in the westerly

extension of the center line of Lot No. 225; thence with said westerly extension and then said center line of Lot No. 225, S. 64° 00' E. 132 and 33/100 feet to a point in the westerly line of Eoff Street; thence with said westerly line, S. 26° 10' W. 33 feet to a point in the division line between Lots 224 and 225; thence with said last mentioned division line and its westerly extension, N. 64° 00' W. 132 and 33/100 feet to a point in said center line of Lane D; thence with same, S. 26° 10' W. 129 and 16/100 feet to a point; thence with other property now owned by Ohio Valley General Hospital Association, S. 64° 00' E. 132 and 33/100 feet to a point in said westerly line of Eoff Street; thence with same, S. 26° 10' W. 88 and 84/100 feet to a point in the division line between Lots 221 and 222; thence with said division line and its westerly extension, N. 64° 00' W. 132 and 33/100 feet to a point in said center line of Lane D; thence with same, S. 26° 10' W. 66 feet to a point in the westerly extension of the division line between Lots 220 and 221; thence with said westerly extension and then said division line of Lots 220 and 221, S. 64° 00' E. 132 and 33/100 feet to a point in said westerly line of Eoff Street; thence with same, S. 26° 10' W. 66 feet to a cross cut in a concrete sidewalk in the northerly line of 22nd Street, said cross being also the most southerly corner of said Lot 220; thence leaving Eoff Street and with said northerly line of 22nd Street, N. 64° 00' W. 264 and 65/100 feet to the place of beginning, containing One Hundred Four Thousand Seven Hundred Fifty-two and Sixty-nine Hundredths (104,752 and 69/100) square feet, more or less.

Said parcel is identified by the Ohio County Assessor's office as Tax Map W58, Parcel 214.

TRACT II

Parcel Three: Lot Numbered Two Hundred and Twenty-seven (227) on the South side of 20th Street (formerly Webster Street) in the 5th Ward of the City of Wheeling, Ohio County, West Virginia, as the same is shown and designated on the Plat of Chapline and Eoff's Addition to City.

And the following described piece of parcel of land lying and being situated on the south side of 20th Street (formerly Webster Street) in the 5th Ward of the City of Wheeling, Ohio County, West Virginia, and in the Chapline and Eoff's Addition to said City, described as follows, to-wit:

Commencing at a point where the west line of Lot numbered Two Hundred and Thirty (230) intersects the South line of 20th Street (formerly Webster Street); thence running east four and one-fourth (4-¹/₄) feet on the south line of 20th Street (formerly Webster Street); thence south twenty-one (21) feet in a straight line until it intersects the west boundary line of Lot numbered Two Hundred and Thirty (230), which said westerly boundary line of said Lot Numbered Two Hundred and Thirty (230) is a diagonal line. Excepting, however, so much of the above described property as was conveyed by Michael Kirchner and Katherine Kirchner, his wife, to Conrad Caldebaugh, by deed bearing date December 4, 1907, and now of record in the office of the Clerk of the County Court of Ohio County, West Virginia, in Deed Book 126, at page 197.

Said parcel is identified by the Ohio County Assessor's office as Tax Map W59 Parcel 426.

Parcel Four: All the northern one-half of Lot No. 225 and the entire fractional Lot No. 226 in Chapline and Eoff's Addition to the City of Wheeling, Ohio County, West Virginia, a plat of

which addition is recorded in the office of the Clerk of the County Court of Ohio County, West Virginia, in Deed Book 15, at page 138.

Parcel Five: The North one-half of Lot Numbered Two Hundred and Twenty-four (224), situate on the West side of Eoff Street, between Twentieth (formerly Webster) and Twenty-second (formerly Third) Streets, in that part of the said City of Wheeling, called Centre Wheeling.

Parcel Six: All that certain property situate in the City of Wheeling, Ohio County, West Virginia, being the south one-half of Lot numbered Two Hundred and twenty-four (224) in Eoff and Chapline's Addition to the City of Wheeling, Ohio County, West Virginia, a plat of which is recorded in the office of the Clerk of the County Court of Ohio County, West Virginia, in Deed Book No. 15, page 138, and more particularly described as follows:

Beginning at a point at the south-east corner of said Lot numbered Two hundred and twenty-four (224), at the junction of Alley No. 18 and Eoff Street; thence in a westerly direction and along the northern boundary line of said Alley No. 18, a distance of One Hundred and Twenty-two (122) feet, more or less, to the eastern boundary line of Alley 'D'; thence in a northerly direction and along the eastern boundary line of said Alley 'D' a distance of Thirty- three (33) feet, more or less; thence in an easterly direction and parallel with the northern boundary line of Alley No. 18, a distance of One Hundred and Twenty-two (122) feet, more or less, to the western boundary line of said Eoff Street; thence in a southerly direction and along the western boundary line of said Eoff Street; a distance of Thirty-three (33) feet, more or less, to the point of beginning, being bounded on the north by the property formerly owned by A. C. Partridge; on the east by Eoff Street; on the south by said Alley No. 18; and on the west by Alley 'D' in the rear of said lot.

Parcel Seven: Beginning at a point at the intersection of the westerly line of Eoff Street with the southerly line of Lane 18, said intersecting point being the northeasterly corner of said Lot 223; thence from said beginning point and with the said westerly line of Eoff Street, S. 17° 00' W. 25 and 83/100 feet to a point in said westerly line of Eoff Street at its intersection with the easterly extension of the center line of the division wall between dwellings now known as 2111 and 2113 Eoff Street; thence leaving said Eoff Street and with said easterly extension and then with said center line N. 73° 47' W. 33 and 84/100 feet to a point; thence N. 76° 29' W. 14 feet to a point; thence N. 73° 47' W. 38 and 16/100 feet to a point in the easterly line of a walkway, four (4) feet wide, hereinafter mentioned; thence with said easterly line, N. 17° 59' E. 27 and 41/100 W. feet to a point in the said southerly line of Lane 18; thence with the said southerly line of Lane 18, S. 73° 10' E. 85 and 48/100 feet to the place of beginning.

Together with a right-of-way, in common with others, as follows: A right-of-way or walkway, four (4) feet wide, extending from the southerly line of Lane 18 in a southwesterly direction to the southerly line of Parcel Seven herein described, the easterly line of said four (4) foot walkway being the line hereinbefore described as 'N. 17° 59' E. 27 and 41/100 feet', said walkway is to be used in common by the owners of dwelling houses Numbered 2111 and 2113 Eoff Street and 2108, 2110 and 2112 Lane D, their heirs and assigns.

Together with the right to use, renew, replace and maintain all water and gas pipes, sewers and

any other service lines now connected to dwelling house Number 2111 Eoff Street that are constructed on other lands now or formerly owned by the parties of the first part hereto, their heirs and assigns, and there is excepted and reserved from the parcel of land herein described, the right for the owner of dwelling house Number 2113 Eoff Street, 2108, 2110 and 2112 Lane D to use, renew, replace and maintain all water and gas pipes, sewers and any other service lines now connected to dwelling house Number 2113 Eoff Street and 2108, 2110 and 2112 Lane D that are now constructed on the parcel of land herein described.

Parcel Eight: Beginning at a point in the easterly line of Alley D at the center line of the partition wall between the frame dwelling houses now known as 2108 and 2110 Alley D, said point being located S. 17° 00' W. 16.17 feet from the northwesterly corner of Lot 223 which is at the intersection of the easterly line of Alley D with the southerly line of Alley 18; thence from said beginning point, with the center line of the partition wall between the frame dwelling houses now known as 2108 and 2110 Alley D and its southeasterly extension, S. 73° 20' E. 36.26 feet to a point in the easterly line of a 4 foot walkway hereinafter mentioned; thence leaving the line of the said partition wall and with the easterly line of said 4 foot walkway, S. 17° 59' W. 13.83 feet to a stake; thence crossing the southerly end of said walkway, N. 76° 12' W. (at 4 feet passing the westerly side of said walkway) 5.28 feet to the center line of the partition wall between dwelling houses now known as 2110 and 2112 Alley D; thence with the center line of the partition wall between dwelling houses 2110 and 2112 Alley D, N. 72° 01' W. 30.60 feet to the easterly line of Alley D; thence leaving last mentioned partition wall and with the easterly line of Alley D, N. 17° 00' E. 13.37 feet to the place of beginning.

Parcel Nine: Beginning at the intersection of the easterly line of Alley D with the southerly line of Alley 18, said intersection being the northwesterly corner of said Lot 223; thence from said beginning point, with the southerly line of Alley 18, S. 70° 10' E. 36.52 feet to a stake in easterly line of a walkway, 4 feet wide, hereinafter mentioned; thence leaving Alley 18 and with the easterly line of said 4 foot walkway, S. 17° 59' W. 16.08 feet to a point in the southeasterly extension of the center line of the partition wall between dwelling houses now known as 2108 and 2110 Alley D; thence leaving said walkway and with the said southeasterly extension and then with the center of the said partition wall between dwelling houses 2108 and 2110 Alley D, N. 73° 20' W. 36.26 feet to a point in the easterly line of Alley D; thence leaving said partition wall and with the easterly line of Alley D, N. 17° 00' E. 16.17 feet to the place of beginning.

Parcel Ten: Beginning at a point in the westerly line of Eoff Street at its intersection with the southeasterly extension of the south face of the south brick wall of brick dwelling house now known as 2111 Eoff Street, said beginning point being also located S. 17° 00' W. 25.83 feet measured along the westerly line of Eoff Street from its intersection with the southerly line of Alley 18 at the northeasterly corner of Lot 223; thence from said beginning point, with the westerly line of Eoff Street, S. 17° 00' W. 17.33 feet to the southeasterly corner of the parcel of land that was conveyed by William Stoetzer, Executor, to Cora Craft, Earl Stoetzer and William Stoetzer, by deed dated October 24, 1934, and recorded in said County Clerk's office in Deed Book 236, at page 48; thence leaving Eoff Street and with the southerly line of the said Craft and Stoetzer parcel, N. 73° 10' W. 122.00 feet to a point in the easterly line of Alley D; thence with the easterly line of Alley D, N. 17° 00' E. 13.62 feet to the center line of the frame partition wall between dwelling houses now known as 2110 and 2112 Alley D; thence leaving Alley D with the

center line of the frame partition wall between dwelling houses 2110 and 2112 Alley D, S. 72° 01' E. 30.60 feet to a tack on the easterly side of the east wall of said houses 2110 and 2112 Alley D; thence leaving said partition wall and crossing the southerly end of a walkway, 4 feet wide, hereinafter mentioned, S. 76° 12' E. 5.28 feet to a stake in the easterly line of said walkway; thence with the easterly line of said walkway N. 17° 59' E. 2.50 feet to a stake in the northwesterly extension of the center line of the space between the rear part of houses 2111 and 2113 Eoff Street; thence leaving the easterly line of said walkway and with the northwesterly extension of the center line of the space between the rear part of houses 2111 and 2113 Eoff Street and then with the center line of said space S. 73° 47' E. 38.16 feet to a stake; thence S. 76° 29' E. 14.00 feet to the southwesterly corner of the brick wall along the southerly side of said dwelling house 2111 Eoff Street; thence with the south face of the south brick wall of said building 2111 Eoff Street and its southeasterly extension S. 73° 47' E. 33.84 feet to the place of beginning.

Together with the right to use, renew and repair any supports or bearings for dwelling house 2113 Eoff Street that are now attached or built in the brick wall on the south side of dwelling house 2111 Eoff Street.

Together with the right, in common with others, to use a walkway, 4 feet wide, extending from the southerly line of Alley 18, in a southwesterly direction, to the northerly line of the parcel hereinbefore described, the easterly line of said walkway being described as follows:

Beginning at a stake in the southerly line of Alley 18, said stake being located S. 73° 10' E. 36.52 feet, measured along the southerly line of Alley 18, from its intersection with the easterly line of Alley D which is the northwesterly corner of Lot 223; thence from said beginning stake S. 17° 59' W. 27.41 feet to a stake at a corner to the parcel of land hereinbefore described; thence S. 17° 59' W. 2.50 feet to a stake at another corner to the parcel of land hereinbefore described. Said walkway is to be used in common between the owners of dwelling houses 2111 and 2113 Eoff Street and 2108, 2110, and 2112 Alley D, their tenants, agents, heirs, executors, administrators and assigns.

Together with the right to use, renew, replace and maintain all water and gas pipes, sewers and any other service lines now connected to 2113 Eoff Street and 2112 Alley D that are now constructed on that part of the said Craft and Stoetzer property, lying between the parcel of land hereinbefore described and the southerly line of Alley 18 and there is excepted and reserved from the parcel of land hereinbefore described the right for the owner of dwelling houses 2108 and 2110 Alley D and 2111 Eoff Street to use, renew, replace and maintain all water and gas pipes, sewers and any other service lines now connected to dwelling houses 2108 and 2110 Alley D and 2111 Eoff Street that are now constructed on the parcel of land hereinbefore described.

Together with the right to use, repair and renew that part of the cornices and eaves now attached to house 2113 Eoff Street that extend over the northerly line of the parcel of land hereinbefore described, as Parcel Ten.

There is excepted and reserved from the parcel of land hereinbefore described as Parcel Ten the right for the owner of dwelling house 2111 Eoff Street to use, repair and renew that part of the

cornices and eaves attached to building 2111 Eoff Street that extend over the parcel of land hereinbefore described as Parcel Ten.

Together with the right to use the space between the rear part of dwelling houses 2111 and 2113 Eoff Street for the purpose of repairing and painting said house 2113 Eoff Street and there is excepted and reserved from the parcel of land hereinbefore described the right for the owner of dwelling house 2111 Eoff Street to use said space between the rear part of dwelling houses 2111 and 2113 Eoff Street to repair and paint said house 2111 Eoff Street.

Parcel Eleven: Lot numbered two hundred twenty-one (221) and the buildings thereon, in Chapline and Eoff's Addition to the City of Wheeling, in Ohio County, West Virginia.

Said parcels are identified by the Ohio County Assessor's office as Tax Map W58, Parcel 230.

TRACT III

Parcel Twelve: A certain parcel of land situated in Centre District, in the City of Wheeling, Ohio County, West Virginia, being Lot No. 283 as shown on the plat of the William Chapline Addition to the City of Wheeling, a copy of which Plat is unofficially recorded in the office of the Clerk of the County Court of Ohio County, West Virginia, in Deed Book No. 297, at page 385.

In February 2017, the parcel identification for this tract was adjusted to reflect the parcel numbering and description prior to 1998, and it is currently assessed as Tax Map W59, Parcel 456.

Parcel Thirteen: The north half of all that certain lot or parcel of land situated in that part of the City of Wheeling laid out by William Chapline as an addition to South Wheeling, which lot is designated on the plat of said Addition as Lot No. 282.

In February 2017, the parcel identification for this tract was adjusted to reflect the parcel numbering and description prior to 1998, and it is currently assessed as Tax Map W59, Parcel 457.

Parcel Fourteen: A certain piece or parcel of land situate in the Fifth Ward of the City of Wheeling, Ohio County, West Virginia, and being the South half of Lot Numbered Two Hundred and Eighty Two (282) in William Chapline's Addition to said City of Wheeling, said property is situate on the east side of Jacob Street between 20th and 22nd Streets.

In February 2017, the parcel identification for this tract was adjusted to reflect the parcel numbering and description prior to 1998, and it is currently assessed as Tax Map W59, Parcel 458.

Parcel Fifteen: The north half of Lot Numbered Two Hundred and Eighty-one (281), in William Chapline's Addition, which half lot lies at the southeast corner of Jacob Street and Alley

Eighteen and is bounded as follows:

Commencing at the said corner, same being the northwest corner of said lot, and running thence with the south line of said alley in an easterly direction with the north line of said lot, one hundred feet to the northeast corner of said lot; thence running in a southerly direction with the east line of said lot twenty-six feet and four and one-half inches to the middle of said east line of said lot; thence running in a westerly direction parallel with the said north line of said lot one hundred feet to the middle of the west line of said lot on the east line of said Jacob Street and from thence running with the said east line of Jacob Street twenty-six feet and four and one-half inches in a northerly direction the place of beginning.

In February 2017, the parcel identification for this tract was adjusted to reflect the parcel numbering and description prior to 1998, and it is currently assessed as Tax Map W59, Parcel 459.

Parcel Sixteen: The South half of Lot Numbered Two Hundred Eighty-one (281) situated in the Addition of South Wheeling now called Center Wheeling, laid off by William Chapline, said half of lot being twenty-six feet and four and one-half (26 ft. & 4-1/2 in.) in width, and one hundred (100) feet in depth.

In February 2017, the parcel identification for this tract was adjusted to reflect the parcel numbering and description prior to 1998, and it is currently assessed as Tax Map W59, Parcel 460.

Parcel Seventeen: The north half of Lot No. 280 situate in the Addition to the City of Wheeling laid off by William Chapline, which said one-half (1/2) lot contains twenty-six (26) feet and four and one-half (4-1/2) inches in width, and one hundred (100) feet in depth.

In February 2017, the parcel identification for this tract was adjusted to reflect the parcel numbering and description prior to 1998, and it is currently assessed as Tax Map W59, Parcel 461.

Parcel Eighteen: A certain parcel of land situated on the east side of Jacob Street (formerly called German Street) between Twenty-first and Twenty-second Streets, in Centre District, Ohio County, West Virginia, and being the west half of the south half (that is to say, the southwest quarter) of Lot No. 280, as shown on the plat of the William Chapline Addition to the City of Wheeling, a copy of which plat has been unofficially recorded in Deed Book No. 287, at page 385.

There is excepted and reserved from Tract III all of that property previously conveyed from the Ohio County Building Commission to the West Virginia Department of Highways by deed dated January 31, 1981, and recorded in said Clerk's office in Deed Book 611, at page 250.

In February 2017, the parcel identification for this tract was adjusted to reflect the parcel numbering and description prior to 1998, and it is currently assessed as Tax Map W59, Parcel 462.

TRACT IV

Parcel Nineteen: A parcel of land situate in the City of Wheeling, Ohio County, West Virginia, being the west one-fourth of Lot No. 262 in the addition to the City of Wheeling laid off by William Chapline, more particularly bounded and described as follows:

Beginning at the intersection of the north line of Twenty-Second Street and the east line of Alley E, thence eastwardly binding on the north line of Twenty-second Street 25 feet to the southwest corner of the John Koehler property; thence northwardly binding on the west line of the Koehler property 52 feet and 9 inches to the south line of the Mertz property; thence westwardly binding on the last-named south line and parallel to Twenty-second Street 25 feet to the east line of Alley E, thence southwardly binding on the last-named east line 52 feet and 9 inches to the place of beginning.

Parcel Twenty: The East one-half (1/2) of the West half of Lot Numbered Two Hundred and Sixty-two (262) situated in the addition to the City of Wheeling laid off by William Chapline in that part of the City of Wheeling called Centre Wheeling.

This conveyance is subject to the privileges and right of way granted by Wendell Neidert and wife to John Koehler to run a sewer along the north line of the west half of said Lot Two Hundred and sixty-two (262) westwardly to Alley E.

There is also excepted and reserved from this conveyance an easement and right of way over and across so much of the East half of the West half of Lot numbered Two Hundred and sixty-two (262) in William Chapline Addition as is necessary for the owner of the building known as Sixty-seven (67) Twenty-second (22) Street to maintain and repair his property.

Parcel Twenty-One: The following described westerly part of the east half of Lot Numbered Two Hundred Sixty-two (262) situated in the Addition to said City laid out by William Chapline, beginning at the southwest corner of said half lot which corner is the northeast corner of the property owned by John Koehler; thence eastwardly binding on the north line of 22nd Street, nineteen (19) feet to a point; thence northwardly parallel with the west line of said half lot seventeen (17) feet to a point; thence eastwardly parallel with the north line of 22nd Street, two (2) feet to a point; thence northwardly parallel with the west line of said half lot, seventeen (17) feet to a point; thence westwardly parallel with the north line of said 22nd Street, one (1) foot to a point; thence northwardly parallel with the west line of said half lot eighteen (18) feet and nine (9) inches to the north line of said half lot; thence westwardly binding on said last-named north line, twenty (20) feet to the northwest corner of said half lot; thence southwardly binding on the east line of the said John Koehler property, and west line of said half lot fifty-two (52) feet and nine (9) inches to the place of beginning.

Together with an easement and right-of-way over and across so much of the east half of the west half of Lot Numbered Two Hundred Sixty-two (262), William Chapline Addition, as necessary for the maintenance and repair of the structure upon the hereinbefore described property and known as 67 Twenty-second (22nd) Street.

Parcel Twenty-Two: The following described part of the east half of Lot numbered Two Hundred Sixty Two (262) situated in the addition to the City of Wheeling, aforesaid, laid off by William Chapline, beginning in the southeast corner of said half lot, which said corner is the intersection of the north line of 22nd Street and the west line of Jacob Street in said City of Wheeling, thence westwardly along the north line of said 22nd Street, Thirty-one (31) feet to the southeast corner of the part of said half lot conveyed to Mary J. Koehler by deed dated April 28th, 1904, as of record in the office of the Clerk of the County Court in said Ohio County, in Deed Book No. 115, Page 114, thence northwardly binding on the east line of said Koehler property Seventeen (17) feet, thence eastwardly parallel with 22nd Street two (2) feet, thence northwardly binding on the east line of said Koehler property Seventeen (17) feet, thence westwardly parallel with 22nd Street, One (1) foot, thence northwardly binding in the last named east line Eighteen (18) feet and Nine (9) inches to the north line of said half lot, thence eastwardly binding on last named north line Thirty (30) feet to the northeast corner of said half lot, thence southwardly binding on the east line of said half lot Fifty-two (52) feet and Nine (9) inches to the place of beginning.

Parcel Twenty-Three: Lot numbered Two Hundred and Sixty-three (263) on the West side of Jacob Street, just north of Twenty-second Street, in the Fifth Ward of the City of Wheeling, Ohio County, West Virginia, excepting, however, that portion or said Lot Numbered Two Hundred and Sixty-three (263), to-wit:

The northerly twenty-five (25) feet thereof, which was heretofore conveyed to Charles J. Ochsenkuhn by deed of Gertrude Mertz, et al, dated January 11, 1910 and now of record in the office of the Clerk of the County Court of Ohio County, West Virginia, in Deed Book 132, at page 459, and deed of Frank C. Nolte, Guardian of Ellen Schad and Robert Schad, dated January 11, 1910 and now of record in said Clerk's office in Deed Book 132, at page 460.

Parcel Twenty-Four: Commencing at the point of intersection of the northerly boundary line of said lot No. 263 with the westerly side of Jacob Street; thence in a southerly direction with the westerly side of Jacob Street a distance of twenty-five (25) feet to a point; thence in a westerly direction and parallel with the northerly boundary line of said Lot No. 263 to the easterly side of the alley in the rear of said lot; thence in a northerly direction and with the easterly side of said alley a distance of twenty-five (25) feet to the northwesterly corner of said Lot No. 263; thence eastwardly with the northerly boundary line of said Lot No. 263 to the place of beginning.

Parcel Twenty-Five: A certain parcel of land known as the south one-half of Lot Numbered Two Hundred Sixty-four (264) in Chapline's Addition to the City of Wheeling, in Center District, Ohio County, West Virginia.

Parcel Twenty-Six: Being twenty-six (26) feet off the north part of Lot Numbered Two Hundred Sixty-five (265) fronting on the west side of Jacob (formerly German) Street, bounded as follows: Beginning at the northeast corner of said lot; thence south twenty-six (26) feet; thence west to the alley in the rear of said lot; thence north with the line of said alley twenty-six (26) feet to the north line of said lot; thence east to the place of beginning.

Parcel Twenty-Seven: All the south half of Lot No. 265, situated in that part of the said City of Wheeling laid out by William Chapline and now called Center Wheeling.

Parcel Twenty-Eight: All that property situated in the City of Wheeling, Ohio County, West Virginia, and known as the north one-half of Lot No. 264 in Chapline's Addition, which half-lot is 26 feet 4-1/2 inches wide and 100 feet deep.

Parcel Twenty-Nine: The south twenty-three (23) feet of lot numbered two hundred and sixty-six (266) situate on the west side of Jacob Street, and south of Alley numbered eighteen (18) in that part of the City of Wheeling, West Virginia, called Centre Wheeling, and bounded and described as follows: beginning at the southeast corner of said lot, thence in a northerly direction with the west line of Jacob Street twenty-three (23) feet; thence in a westerly direction in a line parallel with the south line of said lot to the west line of said lot; thence in a southerly direction with the west line of said lot twenty-three (23) feet to the southwest corner of said lot; thence in an easterly direction with the south line of said lot to the place of beginning.

Parcel Thirty: All that piece or parcel of real estate situated in Center District, Ohio County, West Virginia, and known as Lot No. 266, situated on the southwest corner of Jacob Street and Alley 18, in that part of said City of Wheeling called 'South Wheeling,' excepting therefrom, however, the southerly 23 feet of said lot.

Said parcels are identified by the Ohio County Assessor's office as Tax Map W59, Parcel 432.1.

Parcel Thirty-One: A certain parcel of land situated in the City of Wheeling, Ohio County, West Virginia, being a part of lot number two hundred and fifty (250) in Chapline & Eoff's Addition to said city, the premises hereby conveyed being bounded and described as follows, to-wit: Beginning at the southeast corner of Eoff Street and Alley Eighteen, being the northwest corner of said lot, thence eastwardly with the southern side of said alley sixty-five (65) feet; thence southwardly on a line parallel with Eoff Street twenty-one feet and two inches (21 ft. 2 ins.); thence westwardly on a line parallel with said alley sixty-five (65) feet to said Eoff Street; thence northwardly with the eastern line of Eoff Street twenty-one feet and two inches (21 ft. 2 in.) to the place of beginning; with the dwelling house situated thereon, known as No. 2106 Eoff Street.

Parcel Thirty-Two: Being situate on the east side of Eoff Street, between Twenty-first and Twenty-second Streets, in said City, being part of lot numbered Two Hundred and Fifty (250) in Eoff and Chapline's Addition to said City of Wheeling, bounded and described as follows: Beginning in the east line of said Eoff Street, at a point forty-four (44) feet southwardly from the south line of Alley Eighteen (18) measuring along the east line of said Eoff Street, thence eastwardly sixty-five (65) feet, thence northwardly, parallel with the east line of said Eoff Street, twenty-two feet and ten inches (22 ft. 10 ins.) thence westwardly parallel with the south line of said Alley Eighteen (18), sixty-five (65) feet to the east line of said Eoff Street, thence south and with the said east line twenty-two feet and ten inches (22 ft. 10 ins.) to the place of beginning.

Parcel Thirty-Three: Commencing at the southwest corner of Alley E and Alley 18, thence south on the west side of Alley E, sixty-six (66) feet; thence west thirty (30) feet; thence north on

a line parallel with Alley E, sixty-six (66) feet to Alley 18; thence east along the south side of Alley 18, thirty (30) feet to the place of beginning.

Parcel Thirty-Four: Part of Lot No. 250, fronting on the east side of Eoff Street, between Twentieth and Twenty-second Streets, in the City of Wheeling, Ohio County, West Virginia, in Chapline and Eoff's Addition to said city, that is to say: Beginning in the east line of said Eoff Street at a point forty-four (44) feet southwardly from the south line of Alley 18 measuring along said east line, thence eastwardly parallel with the south line of said alley, sixty-five (65) feet, thence southwardly parallel with the east line of said Eoff Street twenty-two (22) feet, thence westwardly parallel with the south line of said alley sixty-five (65) feet to the east line of Eoff Street, thence northwardly binding on last named east line twenty-two (22) feet to the place of beginning.

Parcel Thirty-Five: The northern one-half part of lot numbered two hundred and forty-nine (249) situated on the east side of Eoff Street, in the Fifth Ward of the City of Wheeling, County of Ohio, State of West Virginia.

Parcel Thirty-Six: Commencing at the intersection of the division line between lots 248 and 249 with the easterly line of Eoff Street; thence with the easterly line of Eoff Street, north $17^{\circ} 00'$ east, 33 feet; thence leaving Eoff Street, south $73^{\circ} 12'$ east, 122 feet to a stake in the westerly line of Alley E; thence with the same, south $17^{\circ} 00'$ West, 33 and $5/10$ feet to a stake; thence with the division line between said lots 248 and 249, north $72^{\circ} 58'$ west, 122 feet to the place of beginning.

Parcel Thirty-Seven: The north half of that parcel or lot of land lying and being situated west of a line drawn through Lot No. 247 parallel to Eoff Street in the Chapline and Eoff Addition to the City of Wheeling, which line divides said Lot into two (2) equal parts. Otherwise stated, the property hereby conveyed is the northwesterly quarter of said Lot No. 247.

Parcel Thirty-Eight: A part of Lot Numbered Two Hundred and Forty-seven (247) in Chapline and Eoff's Addition to the said City of Wheeling, situated at the northeast corner of Eoff and Twenty-second Streets, fronting thirty-three and six one-hundredths ($33-6/100$) feet on Eoff Street and extending back with equal width sixty-six and four-tenths ($66\ 4/10$) feet to the West line of F. Schlechien property.

Parcel Thirty-Nine: Beginning at a stake in the northerly side of 22nd Street, said stake being located S. $73^{\circ} 02'$ E. 66 and $89/100$ feet from the intersection of the northerly line of said 22nd Street with the easterly line of Eoff Street; thence from said beginning stake and with a line that is parallel to and 1 and $1/10$ feet distant, measured at right angles in a westerly direction from the stone foundation of dwelling house now known as 57-22nd Street, N. $16^{\circ} 50'$ E. 66 and $17/100$ feet to a mark on a brick wall in the division line between said Lot 247 and Lot 248; thence leaving said parallel line and with said division line, S. $73^{\circ} 02'$ E. 24 and $66/100$ feet to a point; thence leaving said division line, S. $17^{\circ} 01'$ W. (passing on the westerly face of the northwesterly corner strip of dwelling house now known as 59-22nd Street) 66 and $17/100$ feet to a tack in the southwesterly corner of the southwesterly corner strip of said dwelling house 59-22nd Street in the northerly side of said 22nd Street; thence leaving said corner strip and with the northerly side

of said 22nd Street, N. 73' 02' W. 24 and 45/100 feet to the place of beginning.

Parcel Forty: All the following described land situated in the City of Wheeling and in Center District, Ohio County, West Virginia, that is to say, the east half of the east half of Lot No. 247 of the Chapline and Eoff Addition to the City of Wheeling, sometimes known as Center Wheeling, the part of said Lot No. 247 hereby conveyed being situated at the corner north of Twenty-second Street and west of Lane E in said City.

Parcel Forty-Two: All of the following piece or parcel of ground, being about fifty (50) feet square, more or less, and bounded on the south by the northern boundary of North, or Webster Street, in South Wheeling, extended in a direct line on the north by a line parallel thereto and so drawn as to touch the northeast angle of a projecting ledge of stone on which the letter B was cut and to touch the same at the surface of the road on the west by the east line of division alley extended, and on the east by a line running from said northern line parallel with the line of division alley, so as to touch the east side of a small projection in the rock on which the letter P was cut; and thence following the direction of a seam in the rock which appears at the side of said projection to the said southern line, but reserving all the coal in or under the said piece of land and the right to dig and take the same.

Said parcels are identified by the Ohio County Assessor's office as Tax Map W59, Parcel 432.

TRACT V

Parcel Forty-One: Seven lots of ground situated in the addition to South Wheeling laid out by William Chapline (which addition is now part of the said City of Wheeling) and described on a plat of the said addition by the numbers two hundred and fifty-one (251), two hundred and fifty-two (252), two hundred and fifty-three (253), two hundred and fifty-six (256), two hundred and sixty-seven (267), two hundred and sixty-eight (268) and two hundred and sixty-nine (269).

Parcel Forty-Three: Beginning at a point where the easterly line of Eoff Street intersects the southerly line of 20th Street; thence with the said easterly line of Eoff Street extended in a northeasterly direction N. 18° 00' E. 23.90 feet to a crows foot cut in the face of a sandstone ledge; thence leaving the said northeasterly extension of the easterly line of Eoff Street S. 61° 16' 50" E. 71.00 feet to a crows foot cut in the face of a sandstone ledge; thence S. 59° 51' 40" E. 53.41 feet to a point in the northeasterly extension of the easterly line of Alley E. (formerly Division Alley); thence with the said northeasterly extension of the easterly, line of Alley E., S. 18° 00' W. 35.60 feet to a point at the intersection of the said northeasterly extension of the easterly line of Alley E, with the southerly line of 20th Street; thence with the said southerly line of 20th Street N. 55° 30' W. 127.24 feet to the place of beginning.

Parcel Forty-Four: Beginning at the point where the easterly extension of the southerly line of Twentieth Street intersects the westerly line of Alley E (formerly called Division Alley), said beginning point being also located S. 55° 30' E. 127.24 feet from the intersection of the southerly line of Twentieth Street with the easterly line of Eoff Street; thence, with the westerly line of the said Alley E extended in a northerly direction N. 18° 00' E. 35.60 feet to a point in the

southerly line of Crescent Street; thence with the said southerly line of Crescent Street S. 59° 31' 40" E. 115.16 feet to the westerly line of a tract of land containing 42 acres, 2 rods and 3 poles that was conveyed to the Whitaker-Glessner Co. by the Whitaker Iron Co. by deed dated January 21, 1904, and recorded in the office of the Clerk of the County Court of Ohio County, West Virginia, in Deed Book 115, page 293, thence with the said westerly line of said tract of land, S. 29° 12' W. 43.07 feet to a point in the above mentioned easterly extension of the southerly line of Twentieth Street; thence with the said easterly extension of the southerly line of Twentieth Street, N. 55° 30' W. 108.69 feet to the place of beginning; excepting therefrom, however, that tract of land that was conveyed by George Hardman and wife to Peter P. Beck by deed dated the 6th day of October, 1848, and recorded in the office of the Clerk of the County Court of Ohio County, West Virginia, in Deed Book No. 31, at page 425, said excepted parcel being described in said deed as about 50 feet square, more or less.

Said parcels are identified by the Ohio County Assessor's office as Tax Map W59, Parcel 431.

Parcel Forty-Eight: EXCHANGE PARCEL - Parts of Parcels formerly designated as 79, 80 & 81.

BEGINNING at a point in the western revised non-controlled access right of way line, said point being in the northern existing right of way line of 22nd Street and 81 feet radially left of Relocated WV Route 2 Centerline Station 163+12, Project FF-2(004), Ohio County, West Virginia;

thence, southwesterly with said existing right of way line 49 feet, more or less, to a point in the eastern existing right of way line of Jacob Street, said point being 118 feet radially left of Centerline Station 162+79;

thence, northeasterly with said existing right of way line 122 feet, more or less, to a point in the division line between The Ohio County Building Commission, and the West Virginia Department of Highways, said point being 131 feet left of and at a right angle to Centerline Station 164+01;

thence, southeasterly with said division line 46 feet, more or less, to a point in the western revised non-controlled access right of way line, said point being 84 feet left of and at a right angle to Centerline Station 164+05;

thence, southwesterly in a reverse centerline direction, with said revised non-controlled access right of way line 95 feet, more or less, to the place of beginning and containing 4,618 square feet, more or less.

Said tracts and parcels comprise the main campus of Ohio Valley Medical Center at 2000 Eoff Street, Wheeling, West Virginia, and are part of the property conveyed to Ohio Valley Medical Center, Inc., a West Virginia corporation, by the Ohio County Building Commission by deed dated the 17th day of December, 1985 and recorded in the Office of the Clerk of the County Commission of Ohio County, West Virginia in Deed Book 628, at page 766.

Said tracts and parcels contained in Tracts I through Tracts V, are identified by the Ohio County Assessor's office as Tax Map W58 - Parcel Numbers 0214 and 0230; and Tax Map W59 - Parcel Numbers 0426, 0427, 0431, 0432; 0432.1; 456; 457; 458; 459; 460; 461 and 462.

EXHIBIT B – BOND FORM

[To be imported from Indenture]

EXHIBIT C – NOTICE OF PUBLIC HEARING

**WHEELING MUNICIPAL BUILDING COMMISSION
NOTICE OF PUBLIC HEARING
REGARDING BOND AUTHORIZING ORDINANCE
(WVUHS REGIONAL CANCER CENTER PROJECT)**

A public hearing will be held on the following-entitled Ordinance at a special meeting of the Wheeling Municipal Building Commission, a public corporation and municipal building commission of the State of West Virginia (the “Building Commission”) to be held on _____, _____, 2023, at __:___.m. in the City Council Chambers located at 1500 Chapline Street, Wheeling, West Virginia, and at such hearing any person interested may appear before the Building Commission and present protests, comments and suggestions, and all protests, comments and suggestions shall be heard by the Building Commission and it shall then take such action as it shall deem proper in the premises upon a Bond Authorizing Ordinance entitled:

AN ORDINANCE OF THE WHEELING MUNICIPAL BUILDING COMMISSION (THE “ISSUER”) AUTHORIZING THE ACQUISITION BY THE ISSUER FROM THE CITY OF WHEELING (THE “CITY”) OF CERTAIN REAL PROPERTY OWNED BY THE CITY THAT WAS THE SITE OF THE FORMER HOSPITAL KNOWN AS “OHIO VALLEY MEDICAL CENTER” (THE “PROPERTY”) FOR THE PURPOSE OF FACILITATING THE REDEVELOPMENT OF THE PROPERTY; AUTHORIZING THE DEMOLITION OF THE EXISTING STRUCTURES ON THE PROPERTY, INCLUDING ANY ASBESTOS ABATEMENT WORK REQUIRED AS PART OF THE DEMOLITION, AND PREPARATION OF THE PROPERTY FOR THE FUTURE CONSTRUCTION BY WEST VIRGINIA UNITED HEALTH SYSTEM, INC. D/B/A WEST VIRGINIA UNIVERSITY HEALTH SYSTEM (“WVUHS”) OF A COMPREHENSIVE CANCER CENTER (COLLECTIVELY, THE “PROJECT”); THE ISSUANCE OF THE WHEELING MUNICIPAL BUILDING COMMISSION LEASE REVENUE BONDS, SERIES 2023 A (WVUHS REGIONAL CANCER CENTER PROJECT), IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$20,000,000 (THE “SERIES 2023 A BONDS”) TO PAY COSTS OF THE PROJECT, COSTS OF ISSUANCE OF THE SERIES 2023 A BONDS AND RELATED COSTS; THE LEASING BY THE ISSUER TO OHIO VALLEY ADC, INC. OF THE GROUND PORTION ONLY OF THE PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND INDENTURE AND SECURITY AGREEMENT, A GROUND LEASE, AND A BOND PURCHASE AGREEMENT; AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF SUCH BONDS; PROVIDING PARAMETERS FOR THE TERMS OF THE SERIES 2023 A BONDS; AUTHORIZING EXECUTION AND DELIVERY OF OTHER DOCUMENTS, INSTRUMENTS, CERTIFICATES AND AGREEMENTS AND THE TAKING OF ALL OTHER ACTIONS RELATING TO SUCH FINANCING; PROVIDING FOR CERTAIN OTHER MATTERS IN

CONNECTION THEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

The above-entitled Ordinance was adopted on second reading by the Building Commission on _____, 2023.

The above-quoted title of the Ordinance describes generally the contents thereof and the purposes of the Bond issue contemplated thereby. The Building Commission contemplates the issuance of its Lease Revenue Bonds as described in the Ordinance. The proceeds of the Bonds will be used by West Virginia United Health System, Inc. d/b/a West Virginia University Health System (“WVUHS”) for the demolition of the existing structures on the site of the former hospital known as “Ohio Valley Medical Center” (the “Property”) to facilitate the construction by WVUHS of a comprehensive cancer center on such site (the “Project”). The ground portion only of the Property, together with all necessary appurtenances and related facilities (the “Leased Property”) will be leased by the Building Commission to Ohio Valley ADC, Inc. (“ADC”) in connection with the issuance of the Bonds. The Bonds will be payable solely from lease revenues to be derived from the leasing of the Leased Property by the Building Commission to ADC and the subleasing of the Leased Property by ADC to WVUHS. No taxes may at any time be levied for the payment of the Bonds or the interest thereon.

A certified copy of the above-entitled Ordinance is on file at the office of the Building Commission in the offices of The City of Wheeling, at the office of the Clerk of The City of Wheeling, West Virginia, 1500 Chapline Street, Wheeling, West Virginia, for review by interested parties during regular office hours.

Following the public hearing, the Building Commission intends to enact said Ordinance upon final reading if such action appears to be appropriate after taking into consideration the protests, comments and suggestions made at the public hearing.

Dated: _____, 2023

Secretary, Wheeling Municipal Building Commission