

**LOGAN COUNTY WEST VIRGINIA  
OFFICE OF THE PROSECUTING ATTORNEY**

*Teresa Maynard  
Assistant Prosecutor*



*Donald C. Wandling  
Assistant Prosecutor*

*Shana O'Briant Thompson  
Assistant Prosecutor*

*Cody Evans  
Assistant Prosecutor*

**DAVID A. WANDLING  
PROSECUTING ATTORNEY  
1 Washington Avenue, Suite 200  
Logan, West Virginia 25601  
Phone: (304)792-8670  
Fax: (304)792-8677**

October 4, 2022

Logan County Commission  
Fax: 304-792-8511

Attached hereto is a copy of the Agreed Order entered in an effort to address the boundary line dispute in the Missouri Fork area of what is now Boone County, West Virginia. A copy of this Order was provided to Donald Kersey of the Secretary of State's Office last week.

Please note that the residents of Missouri Fork need to be notified of the contents of this Order and given an opportunity to object. The Agreed Order makes it the duty of the officials in Boone County to notify the residents of Missouri Fork.

After the notices are sent and the objection period passes, this matter will have reached its conclusion.

If you have any questions about this matter, then please let me know at your earliest convenience.

Sincerely,

*/s/ David A. Wandling*  
David A. Wandling  
Prosecuting Attorney

CC: Boone County Commission Fax: 304-369-7306  
Boone County Clerk Fax: 304-369-7329  
Donna Taylor as Counsel for the Boone County Commission Fax: 304-369-3803  
John Turner, Logan County Clerk Fax: 304-792-8621  
✓ Chris McCoy at the Logan County Assessor's Office Fax: 304-792-8542

13047928  
rc

/s/ Kelly Gilmore Codispoti  
Circuit Court Judge  
Ref. Code: 22SXFS7DX

09/23

E-FILED | 9/27/2022 11:40 AM  
CC-23-2022-C-115  
Logan County Circuit Clerk  
Mark McGrew

13047928677

Logan Co Prosecuting Attorney

12:05:51 p.m. 09-19-2022

2 / 10

**IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA**

**THE COUNTY COMMISSION OF  
LOGAN COUNTY, WEST VIRGINIA,  
Plaintiff,**

v.

**CIVIL ACTION NO.: 22-c-115**

**THE COUNTY COMMISSION OF  
BOONE COUNTY, WEST VIRGINIA,  
Defendant.**

**AGREED ORDER**

ON THIS the 27<sup>th</sup> day of September, 2022 came The County Commission of Logan County, West Virginia (Plaintiff) and The County Commission of Boone County, West Virginia (Defendant) for entry of an Agreed Order. The parties agree, as follows:

1. The County Commission of Logan County is a statutory corporation created pursuant to Chapter 7 of the West Virginia Code and Article IX of the Constitution of West Virginia;
2. The County Commission of Boone County (hereinafter referred to as Defendant) is a statutory corporation created pursuant to Chapter 7 of the West Virginia Code and Article IX of the Constitution of West Virginia;
3. The subject matter of this Complaint is the resolution of a controversy over a section of the boundary line separating Logan County and Boone County;

13047928677  
From:

Logan Co Prosecuting Attorney

08:53:34 a.m. 09-26-2022 3/10  
09/23/2022 13:04 188 P003/010

13047928677

Logan Co Prosecuting Attorney

12:06:18 p.m. 09-19-2022 3/10

4. Pursuant to West Virginia Code §7-2-1, jurisdiction and venue lie with this Court to hear this Complaint;
5. The section of boundary line in question is located at Missouri Fork, known as County Route Nine Over Two (9/2) and, in particular, in that portion of the last mile going east to the county line of Logan County as shown on the general highway maps for Logan County and Boone County;
6. The citizens who reside at Missouri Fork have always and continue to pay property taxes in Boone County, West Virginia;
7. The citizens who reside at Missouri Fork attended, and their children now attend school in Boone County, West Virginia;
8. The citizens of Missouri Fork are currently registered to vote in Boone County and have always voted in Boone County, West Virginia;
9. The citizens of Missouri Fork receive their mail at the Jeffrey Post Office in Boone County, West Virginia;
10. The citizens of Missouri Fork are served by the Boone County Emergency Operations Center (E-911);
11. The citizens of Missouri Fork are served by the Spruce River Volunteer Fire Department located in Boone County, West Virginia;
12. Reports of criminal activity occurring in Missouri Fork are investigated by the Boone County Sheriff's Department;
13. Those citizens of Missouri Fork who require ambulance services for medical transport call upon the Boone County Ambulance Authority for said services;



14. The Boone County Department of Highways provides maintenance and upkeep for roads and bridges for those citizens residing at Missouri Fork;
15. Although located in Logan County, the residents of Missouri Fork have been treated as residents of Boone County in every respect;
16. It is in the best interests of the residents of Missouri Fork and of both the Plaintiff and Defendant for the Court to adjust the boundary line as requested in the Complaint;
17. Pursuant to the W.Va Code 57-2-1, a survey is not required unless Ordered by the Court. Neither party to this action is requesting a survey be completed prior to the entry of this Order;
18. Attached hereto as Exhibit 1, is a map depicting Missouri Fork;
19. Attached hereto as Exhibit 2, is a map depicting the agreed upon boundary line adjustment. The coordinates of the new boundary line as provided to counsel by the Logan County Assessor's Office are, as follows:
  - a. Starting at 81 degrees 52 minutes 54.57 seconds W
  - b. 37 degree 57 seconds 17.43 seconds N
  - c. Traveling S 1 degree 25 minutes 20 seconds E 1,276.75 to the top of the ridge.
  - d. S76 degree 53 minutes 41 seconds W 2,016.42
  - e. N 88 degree 32 minutes 52 seconds W 4,224.68
  - f. N 5 degree 52 minutes 10 seconds E 4,088.24
20. The agreed upon boundary line adjustment shall run from one ridge line, around Missouri Fork, and onto another ridge line thereby encompassing the entirety of Missouri Fork and all citizens currently residing thereon;

21. Time is of the essence in resolving this issue given the looming election and voter registration deadlines;
22. A Petition dated February 11, 2002 was adopted by the Boone County Commission and with the agreement of the Logan County Commission in an attempt to address this issue over twenty (20) years ago. However, no action was taken by either party to formally adjust the boundary line via action in the Circuit Court of either county;
23. Through this agreement, the parties seek to change the boundary line separating Logan County from Boone County at Missouri Fork in conformity with the historically established relationship between the parties, property owners, and residents of the area in question,
24. The new bound line, as agreed upon and set forth herein, allows for all of the residents currently located on Missouri Fork to continue to receive all of the services set forth herein and to continue to vote and pay taxes in Boone County, West Virginia.

WHEREFORE, after consideration of these matters, the Court does hereby make the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

1. The County Commission of Logan County is a statutory corporation created pursuant to Chapter 7 of the West Virginia Code and Article IX of the Constitution of West Virginia;
2. The County Commission of Boone County (hereinafter referred to as Defendant) is a statutory corporation created pursuant to Chapter 7 of the West Virginia Code and Article IX of the Constitution of West Virginia;
3. The subject matter of this Complaint is the resolution of a controversy over a section of the boundary line separating Logan County and Boone County;

4. Pursuant to West Virginia Code §7-2-1, jurisdiction and venue lie with this Court to hear this Complaint;
5. The section of boundary line in question is located at Missouri Fork, known as County Route Nine Over Two (9/2) and, in particular, in that portion of the last mile going east to the county line of Logan County as shown on the general highway maps for Logan County and Boone County;
6. The citizens who reside at Missouri Fork have always and continue to pay property taxes in Boone County, West Virginia;
7. The citizens who reside at Missouri Fork attended, and their children now attend school in Boone County, West Virginia;
8. The citizens of Missouri Fork are currently registered to vote in Boone County and have always voted in Boone County, West Virginia;
9. The citizens of Missouri Fork receive their mail at the Jeffrey Post Office in Boone County, West Virginia;
10. The citizens of Missouri Fork are served by the Boone County Emergency Operations Center (E-911);
11. The citizens of Missouri Fork are served by the Spruce River Volunteer Fire Department located in Boone County, West Virginia;
12. Reports of criminal activity occurring in Missouri Fork are investigated by the Boone County Sheriff's Department;
13. Those citizens of Missouri Fork who require ambulance services for medical transport call upon the Boone County Ambulance Authority for said services;

13047928677  
From:

Logan Co Prosecuting Attorney

08:56:21 a.m. 09-26-2022 7/10  
09/23/2022 13:06 P.007/010

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Logan Co Prosecuting Attorney

12:08:39 p.m. 09-19-2022 7/10

14. The Boone County Department of Highways provides maintenance and upkeep for roads and bridges for those citizens residing at Missouri Fork;
15. Although located in Logan County, the residents of Missouri Fork have been treated as residents of Boone County in every respect;
16. It is in the best interests of the residents of Missouri Fork and of both the Plaintiff and Defendant for the Court to adjust the boundary line as requested in the Complaint;
17. Pursuant to the W.Va Code §7-2-1, a survey is not required unless Ordered by the Court. Neither party to this action is requesting a survey be completed prior to the entry of this Order;
18. Attached hereto as Exhibit 1, is a map depicting Missouri Fork;
19. Attached hereto as Exhibit 2, is a map depicting the agreed upon boundary line adjustment. The coordinates of the new boundary line as provided to counsel by the Logan County Assessor's Office are, as follows:
  - a. Starting at 81 degrees 52 minutes 54.57 seconds W
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20. The agreed upon boundary line adjustment shall run from one ridge line, around Missouri Fork, and onto another ridge line thereby encompassing the entirety of Missouri Fork and all citizens currently residing thereon;

21. Time is of the essence in resolving this issue given the looming election and voter registration deadlines;

22. A Petition dated February 11, 2002 was adopted by the Boone County Commission and with the agreement of the Logan County Commission in an attempt to address this issue over twenty (20) years ago. However, no action was taken by either party to formally adjust the boundary line via action in the Circuit Court of either county;

23. Through this agreement, the parties seek to change the boundary line separating Logan County from Boone County at Missouri Fork in conformity with the historically established relationship between the parties, property owners, and residents of the area in question,

24. The new bound line, as agreed upon and set forth herein, allows for all of the residents currently located on Missouri Fork to continue to receive all of the services set forth herein and to continue to vote and pay taxes in Boone County, West Virginia.

WHEREFORE, after consideration of these matters, the Court does hereby ORDER and ADJUDGE, as follows:

1. The Plaintiff's request to change the boundary line between Logan County and Boone County in area known as "Missouri Fork" is GRANTED without objection;
2. The boundary line SHALL be adjusted as set forth herein and as agreed upon by the parties;
3. The parties having agreed upon a disposition, there are no matters remaining for the Court to address at this time and, therefore, this matter shall be DISMISSED and stricken from the active docket of the Court;



- 4. A copy of this Order shall be sent by certified mail by the County Clerk of Boone County, West Virginia to all residents and property owners of Missouri Fork. Said residents and/or property owners are hereafter put on notice that he/she has a period of ten (10) days following the receipt of this Order to object, in writing, to its entry;
- 5. The Clerk of the Circuit Clerk of Logan County, West Virginia shall forward a copy of this Order to all counsel of record and to the respective parties.

ENTERED on this the 24<sup>th</sup> day of September, 2022.

*Kelly Helmer*  
JUDGE

Prepared by:

*David A. Wandling*

David A. Wandling, State Bar No. 10230  
Logan County Prosecuting Attorney  
1 Washington Ave, Ste 200  
Logan, WV 25601  
Counsel for the Logan County Commission

13047928677  
From:

Logan Co Prosecuting Attorney

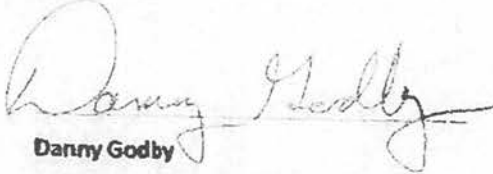
08:58:07 a.m. 09-25-2022 10/10  
09/23/2022 13:07 #168 P.010/010

13047928677

Logan Co Prosecuting Attorney

12:10:12 p.m. 09-19-2022 10/10

Approved by:

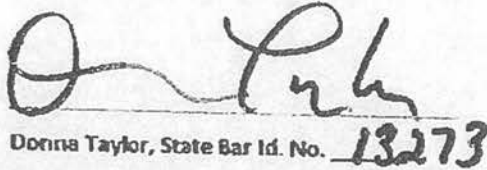


Danny Godby

President, Logan County Commission



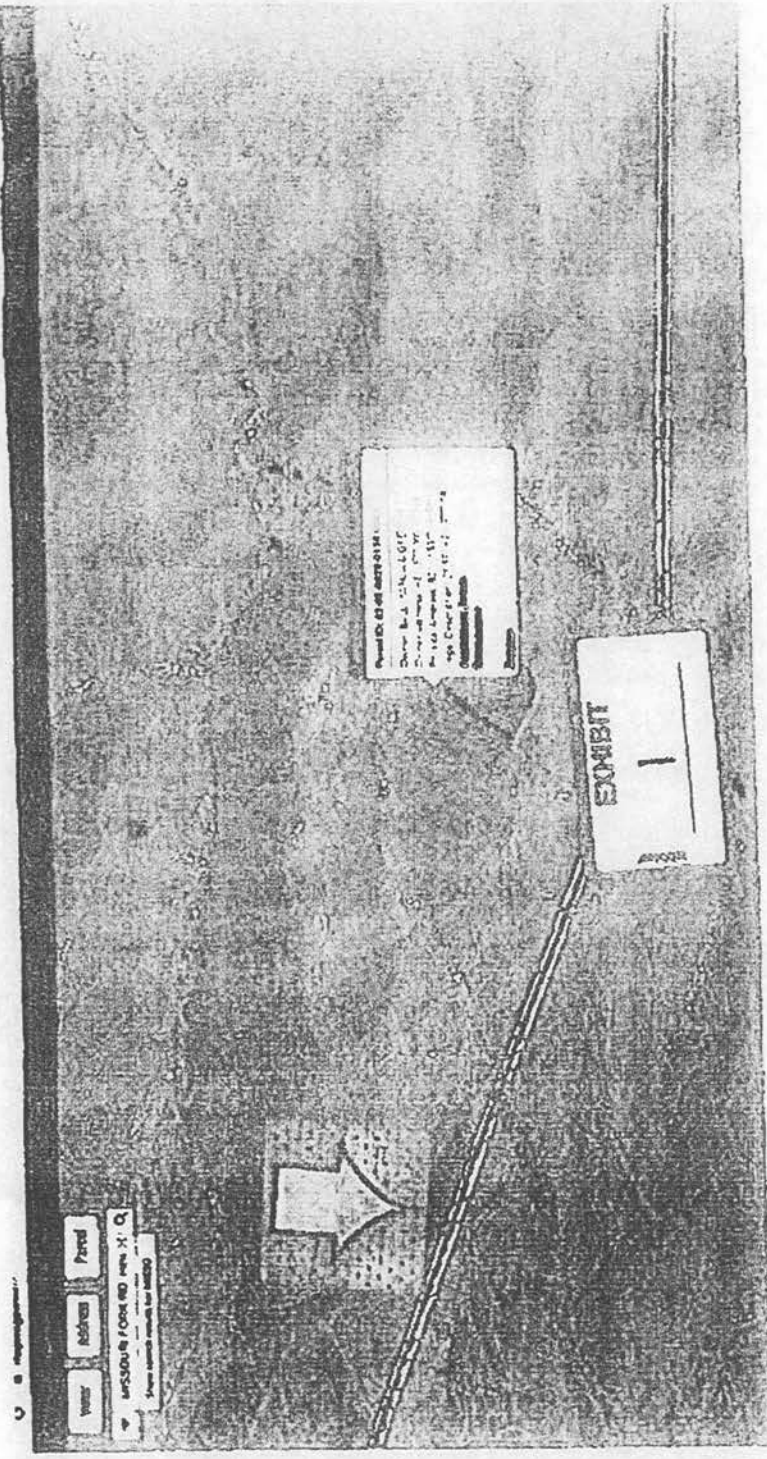
President, Boone County Commission



Donna Taylor, State Bar Id. No. 13273

Boone County Prosecuting Attorney

Counsel for the Boone County Commission



View Address Photo

MISSOURI FORENSIC PHOTOGRAPHY

Photo ID: 03 08 0077 0181

Photo No.: 03-08-017

Photo Date: 03/08/07

Photo Time: 10:00 AM

Photo Location: 1000 S. 10th St., St. Louis, MO 63104

Photo Operator: [Illegible]

EXHIBIT  
1

EXHIBIT

2

