

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.**

AMENDED AGREED DISMISSAL ORDER

ON THIS the 2nd day of November, 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;

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 §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, are three (3) maps depicting the agreed upon boundary line adjustment. The coordinates for the new boundary line shall be as set forth in Exhibit 2.**
- 20. The agreed upon boundary line shall hereafter 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. The maps attached as Exhibit 2 more accurately reflect the intentions of the parties than the map which was filed in the original Agreed Order;**
- 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;**
- 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, are three (3) maps depicting the agreed upon boundary line adjustment. The coordinates for the new boundary line shall be as set forth in Exhibit 2.**
- 20. The agreed upon boundary line shall hereafter 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. The maps attached as Exhibit 2 more accurately reflect the intentions of the parties than the map which was filed in the original Agreed Order;**
- 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**

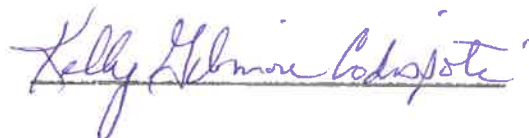
established relationship between the parties, property owners, and residents of the area in question,

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 4th day of November, 2022.



JUDGE

Prepared by:



David A. Wandling, State Bar Id. No. 10230

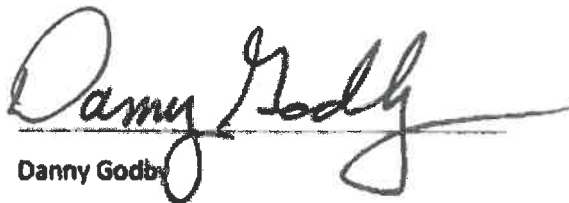
Logan County Prosecuting Attorney

1 Washington Ave, Ste 200

Logan, WV 25601

Counsel for the Logan County Commission

Approved by:



Danny Godby

President, Logan County Commission

Craig Bratcher
Craig Bratcher

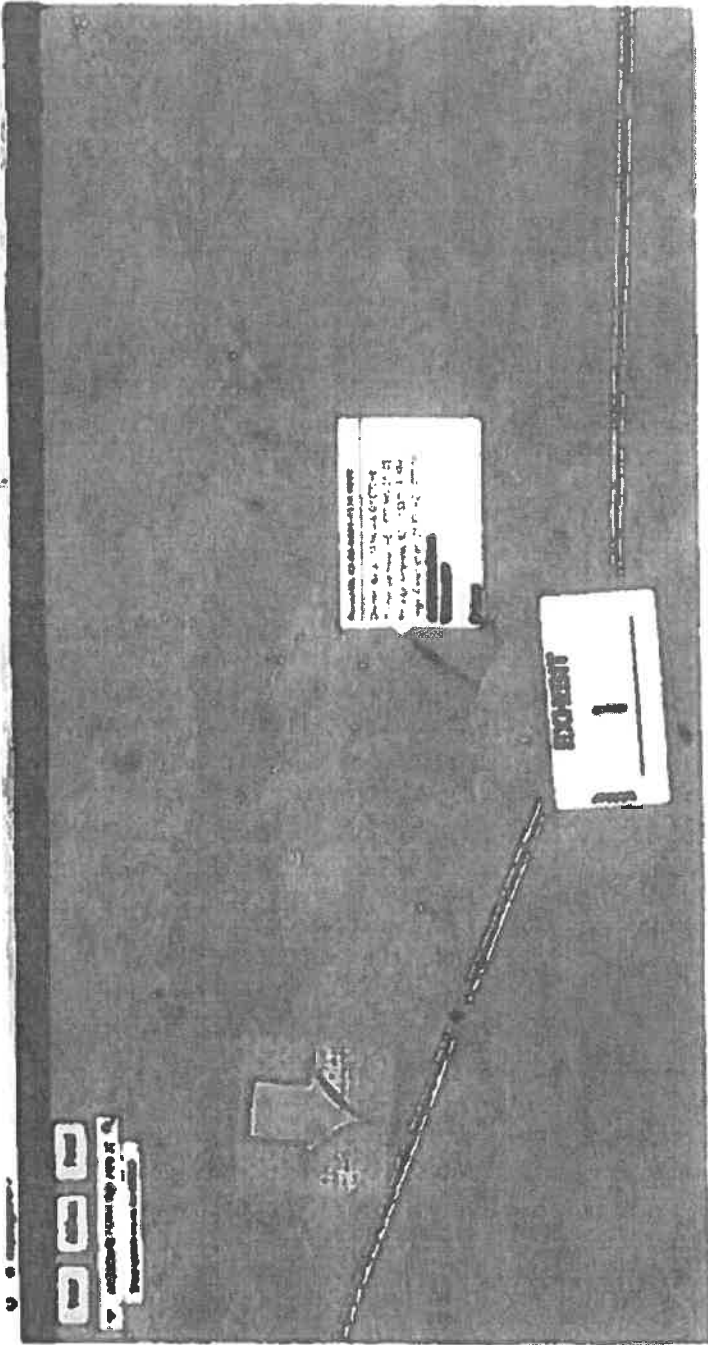
President, Boone County Commission

Donna Taylor

Donna Taylor, State Bar Id. No. 13273

Boone County Prosecuting Attorney

Counsel for the Boone County Commission



Boone - Logan County Boundary Line Adjustment

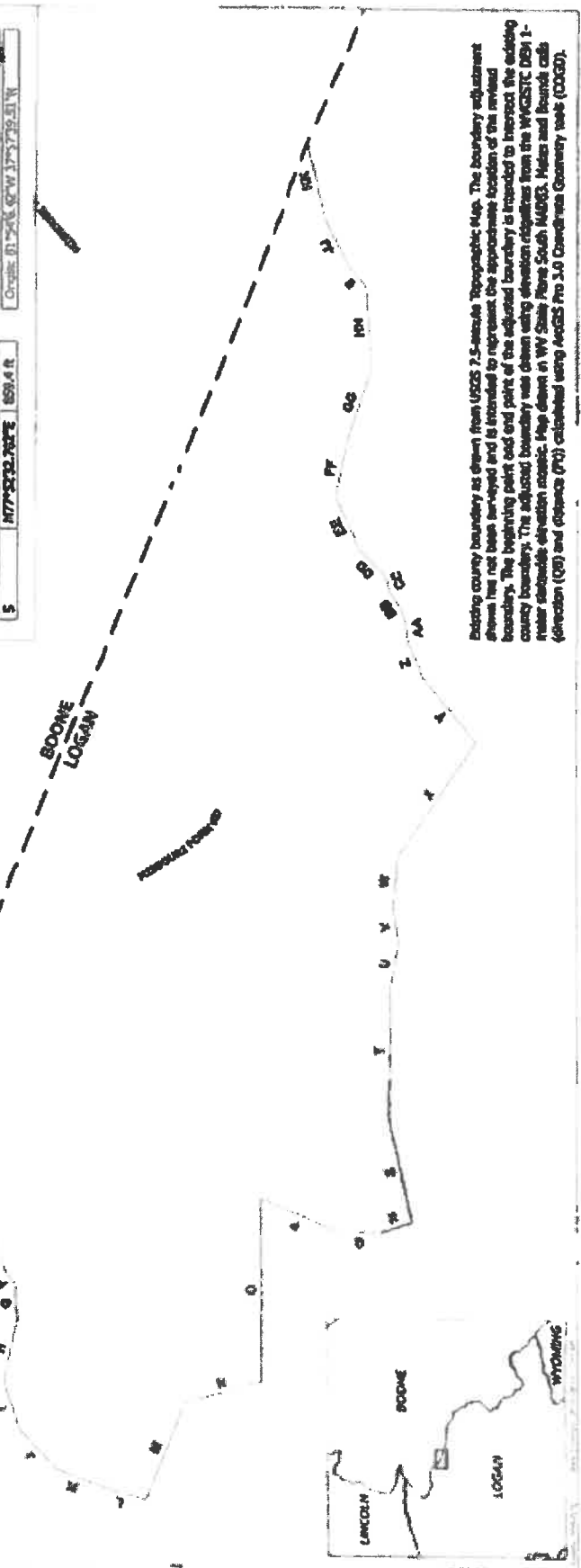
- - - Existing County Boundary Line
 - - - Adjusted Boundary Line
 - - - Road Centerline

0 500 1,000 2,000 Feet

Map 1 of 3 (COG0)

Segment ID	Information	Distance
A	S1P+072.512E	64.5 R
B	S2P+107.697W	300 R
C	S4P+113.659W	592.9 R
D	S7P+161.688W	224.6 R
E	S9P+201.744W	151.4 R
F	S2P+020.243W	133.5 R
G	S9P+032.057W	294.2 R
H	R9P+2816.971W	472.9 R
I	S7P+090.141W	435.1 R
J	S9P+1156.007W	416.4 R
K	S1P+1216.628W	334.2 R
L	S1P+0320.094W	364.8 R
M	S9P+0726.188E	832.4 R
N	S1P+292.069E	632.2 R
O	R9P+328.082E	1454.5 R
P	S2P+2517.057W	670 R
Q	S9P+0710.382W	345.5 R
R	S1P+2911.282E	381.8 R
S	R7P+2932.782E	659.4 R

Segment ID	Information	Distance
T	S9P+0310.007E	1000 R
U	S7P+1957.657E	340.6 R
V	R8E+2730.112E	2511.1 R
W	S9P+2730.997E	376.9 R
X	S3P+030.394E	1101.1 R
Y	R3E+0304.088E	601.9 R
Z	R6P+0333.780E	315.3 R
AA	R9P+037.274E	136.6 R
BB	R9P+2624.607E	224.4 R
CC	R7E+2923.971E	137.9 R
DD	R4P+3102.107E	268.7 R
EE	R6P+3110.602E	448.2 R
FF	S7P+1534.797E	440.7 R
GG	S7P+2930.419E	1345.5 R
HH	R3S+0730.737E	642.8 R
II	R4P+1736.001E	204.5 R
JJ	R6P+2720.369E	442.6 R
KK	R9P+2923.807E	607.3 R



Existing county boundary as shown from USGS 7.5-minute Topographic Map. The boundary adjustment shown has not been surveyed and is intended to represent the approximate location of the revised boundary. The beginning point and end point of the adjusted boundary is intended to intersect the existing county boundary. The adjusted boundary was shown using elevation originates from the WGS84 DEN 1-meter sea-level elevation datum. Map drawn in WY State Plane South MADS. Miles and Bounds calls (direction (DB) and distance (DI)) calculated using ArcGIS Pro 3.0 Coordinate Geometry tools (COG0).

Boone - Logan County Boundary Line Adjustment

Existing County
Boundary Line
Adjusted Boundary
Road Corridors

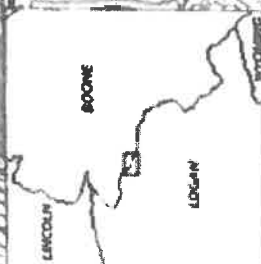


Map 3 of 3 (USGS Topographic)

Segment ID	Bearing	Distance	Direction	Remarks
A	S18°40'22.512"E	64.5 R		
B	S27°31'07.457"W	300 R		
C	S44°11'43.656"W	557.9 R		
D	S70°16'12.698"W	228.6 R		
E	S59°34'30.744"W	151.4 R		
F	S35°02'20.243"W	110.5 R		
G	S07°46'32.057"W	294.7 R		
H	N06°50'16.971"W	477.5 R		
I	S77°03'01.141"W	405.1 R		
J	S47°11'36.007"W	416.4 R		
K	S21°32'10.620"W	334.2 R		
L	S17°03'20.664"W	398.8 R		
M	S67°47'26.180"E	832.6 R		
N	S19°29'22.054"E	628.2 R		
O	N09°52'25.063"E	1454.6 R		
P	S32°25'17.657"W	670 R		
Q	S0°00'10.382"W	345.5 R		
R	S18°29'21.292"E	261.8 R		
S	N07°52'32.782"E	859.4 R		
T	S09°03'00.000"E	1040 R		
U	S79°15'57.455"E	348 R		
V	N01°20'20.132"E	283.1 R		
W	S04°21'38.595"E	396.8 R		
X	S56°00'01.394"E	1101.1 R		
Y	N01°00'04.898"E	668.9 R		
Z	N67°41'33.780"E	315.5 R		
AA	N00°05'57.274"E	198.6 R		
BB	N59°26'24.603"E	223.4 R		
CC	N72°29'23.571"E	137.9 R		
DD	N40°31'02.160"E	209.7 R		
EE	N09°31'19.642"E	448.2 R		
FF	S79°14'54.294"E	440.7 R		
GG	S07°29'08.419"E	834.5 R		
HH	N05°40'20.733"E	647.8 R		
II	N47°17'36.801"E	204.5 R		
JJ	N54°27'20.264"E	442.6 R		
KK	N09°58'53.847"E	607.3 R		

Origin: 81°54'N, 42°W 17°57'39.51"W

Existing county boundary as drawn from USGS 7.5 minute Topographic Map. The boundary adjustment shown has not been surveyed and is intended to represent the approximate location of the revised boundary. The beginning point and end point of the adjusted boundary is intended to intersect the existing county boundary. The adjusted boundary was drawn using elevation readings from the WVGSITC DEM 1 meter statewide elevation mosaic. Map drawn in WY State Plane South NAD83. Meas and Bounds calls (direction (DB) and distance (PI)) calculated using ArcGIS Pro 3.0 Coordinate Geometry tools (COGO).



Boone - Logan County Boundary Line Adjustment

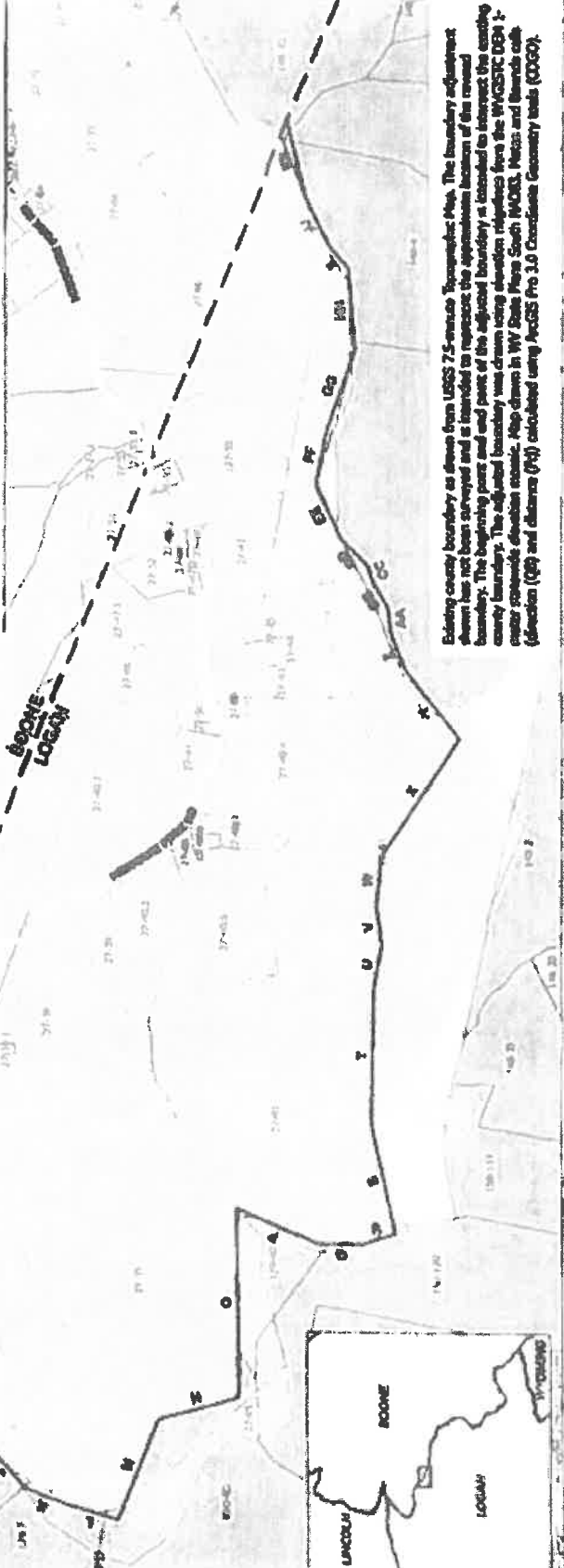
Existing County Boundary Line
 Adjusted Boundary Line
 Road Centerlines
 Boone Tax Parcel
 Logan Tax Parcel

0 500 1,000 2,000 Feet

Map 2 of 3 (The Parcels)

Segment ID	Bearing	Distance
T	S89°10'00"E	1540.8
U	S79°15'00"E	348.8
V	N81°28'13"E	283.1 R
W	S89°21'30"E	344.8 R
X	S59°03'30"E	1191.1 R
Y	N11°00'00"E	688.0 R
Z	N62°41'11.70"E	215.5 R
AA	N89°03'27.24"E	188.6 R
BB	N58°28'48.85"E	223.4 R
CC	N72°29'25.57"E	132.9 R
DD	N44°31'02.16"E	289.7 R
EE	N85°23'19.64"E	448.2 R
FF	S79°45'47"E	440.7 R
GG	S49°28'04.19"E	634.8 R
HH	N85°48'28.75"E	649.8 R
II	N47°17'36.98"E	394.8 R
JJ	N64°27'28.39"E	440.8 R
KK	N09°23'19.07"E	692.3 R

Segment ID	Bearing	Distance
A	S18°47'21.51"E	643.8
B	S27°31'07.67"W	300.8
C	S49°11'43.88"W	552.9 R
D	S39°48'12.89"W	224.6 R
E	S89°21'30.74"W	551.4 R
F	S33°08'20.84"W	133.5 R
G	S07°08'32.65"W	294.7 R
H	N09°28'74.87"W	473.5 R
I	S72°08'14.51"W	468.1 R
J	S49°11'34.80"W	488.4 R
K	S24°25'14.26"W	324.2 R
L	S17°08'28.88"W	388.8 R
M	S07°47'26.18"E	632.6 R
N	S29°29'32.04"E	638.2 R
O	N89°25'25.05"E	1454.6 R
P	S39°23'15.87"W	670.8 R
Q	S04°08'10.52"W	345.5 R
R	S18°29'11.30"E	241.8 R
S	N07°52'32.76"E	857.4 R



Existing county boundary as shown from 1988 7.5-minute Topographic Map. The boundary adjustment shown has not been surveyed and is intended to represent the approximate location of the revised boundary. The beginning point and end point of the adjusted boundary is located to intersect the existing county boundary. The adjusted boundary was drawn using elevation references from the 1983 GCS NAD 83 county boundary data. Map drawn in WY State Plane South MERS. Notes and bearings with direction (DR) and distance (DI) calculated using ArcGIS Pro 3.0 Coordinate Geometry tools (CGO).