

IN THE CIRCUIT COURT OF LINCOLN COUNTY, WEST VIRGINIA

THE COUNTY COMMISSION OF  
LINCOLN COUNTY, WEST VIRGINIA,

Petitioner,

CERTIFIED TO BE A TRUE COPY

*Daniel G. Baker*  
CLERK LINCOLN COUNTY COMMISSION

v.

CIVIL ACTION NO. 16-C-32

THE COUNTY COMMISSION OF LOGAN  
COUNTY, WEST VIRGINIA,

Respondents.

AGREED ORDER GRANTING PETITION TO CHANGE COUNTY  
BOUNDARY BETWEEN LINCOLN AND LOGAN COUNTIES

This matter came before the Court upon the "Petition To Change County Boundary Between Lincoln and Logan Counties", filed by the County Commission of Lincoln County, West Virginia, and the proposed agreement of the County Commission of Logan County, West Virginia. Based upon this Court's review of the Petition, the exhibits thereto, and the agreement of the parties, this Court finds as follows:

JURISDICTION AND VENUE

1. The parties hereto, the County Commissions of Lincoln County and Logan County, West Virginia are statutory corporations created pursuant to Chapter 7 of the West Virginia Code, and Section 9, Article IX of the Constitution of the State of West Virginia.

2. This Court has jurisdiction over the parties and the subject matter of this petition pursuant to the provisions of West Virginia Code §7-2-1, and venue lies with this Court to hear this petition.

### FINDINGS OF FACT

3. The section of the boundary line in question is in the southern part of Lincoln County, near the community of Harts, West Virginia, near the Guyandotte River, from 38:009450 N; 82:064067 W to 38:007447 N; 82:071527 W. (See aerial map, labelled "Adjustment to Lincoln/Logan Line", attached hereto as Exhibit A).

4. The residents and property owners occupying the property south of the boundary, between the present boundary and the Guyandotte River, although located in Logan County, have been treated as residents of Lincoln County in every respect. They have voted, paid real and personal property taxes, and been served by emergency services and law enforcement of Lincoln County.

5. In recent years, as a result of implementation of Global Positioning System (GPS) technology, and its use by 911 services and the United States Postal Service in assigning new addresses, the issue of the location of the boundary line has been raised as an impediment to issuing residents of Toney Curve a Lincoln County address necessary for them to register to vote, or proper routing of telephone calls for emergency service, or even obtaining insurance on their property.

6. Petitioner proposes to change the boundary line by removing a straight line section of the present boundary, from a point 38.009512, -82.063838 to a second point 38.007410, -82.071665, comprising 2,381 linear feet. In its place, Petitioner proposes that the boundary from the first point, 38.009512, -82.063838, located at the low water mark of the Guyandotte River, travel south with the Guyandotte River until it meets the second point, 38.007410, -82.071665, all as depicted on the map labelled as Exhibit A, and as described in the Legal Description labelled as Exhibit C, both of which are attached to the Petition.

#### CONCLUSIONS OF LAW

7. The proposed boundary change would allow all of the residents currently located south of the present boundary location to receive a Lincoln County 911 address and continue to vote, pay taxes, and receive police, fire, and emergency services from Lincoln County as they have in the past.

8. The Respondent, Logan County Commission, has no objection to the proposed boundary change.

9. The best interests of the residents of the community, and both Counties, will be served by the adoption of the proposed boundary change.

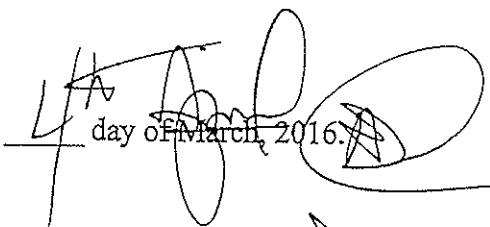
10. This Court is empowered to grant the relief requested pursuant to West Virginia Code §7-2-1.

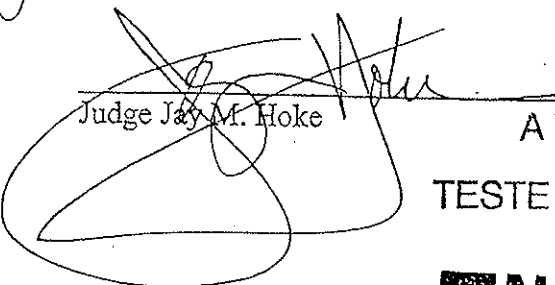
IT IS THEREFORE **ORDERED**, that the "Petition To Change County Boundary Between Lincoln and Logan Counties" is granted as requested, and that the boundary between Lincoln County and Logan County is from this day forward changed in conformity with the map attached as Exhibit A hereto, and the "Legal Description" attached hereto as Exhibit B.

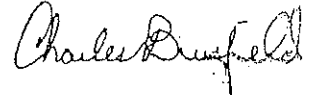
It is further **ORDERED** that a certified copy of this Order be recorded in the Lincoln County Clerk's office, and sent, as required by the provisions of West Virginia Code §7-2-6, to the director and state geologist of the West Virginia geological and economic survey.

It is further **ORDERED** that a copy of this Order be provided to all legal residents and property owners affected by this change of county boundary. Any such person objecting to or seeking relief from this Order may file a Motion under Rule 60(b) of the West Virginia Rules of Civil Procedure with the Clerk of the Circuit Court within sixty (60) days of the entry of this Order.

The Clerk of this Court is hereby directed to mail an attested copy of this Order to all parties of record.

ENTER: This 4<sup>th</sup> day of March, 2016. 


  
Judge Jay M. Hoke

A TRUE COPY  
TESTE 

**ENTERED**  
APR 06 2016  
BY: \_\_\_\_\_

AGREED TO BY:

LINCOLN COUNTY COMMISSION



James W. Gabehart  
Lincoln County Prosecuting Attorney  
WV Bar ID 4589  
P. O. Box 685  
Hamlin, WV 25523  
304-824-5202, ext. 240

LOGAN COUNTY COMMISSION



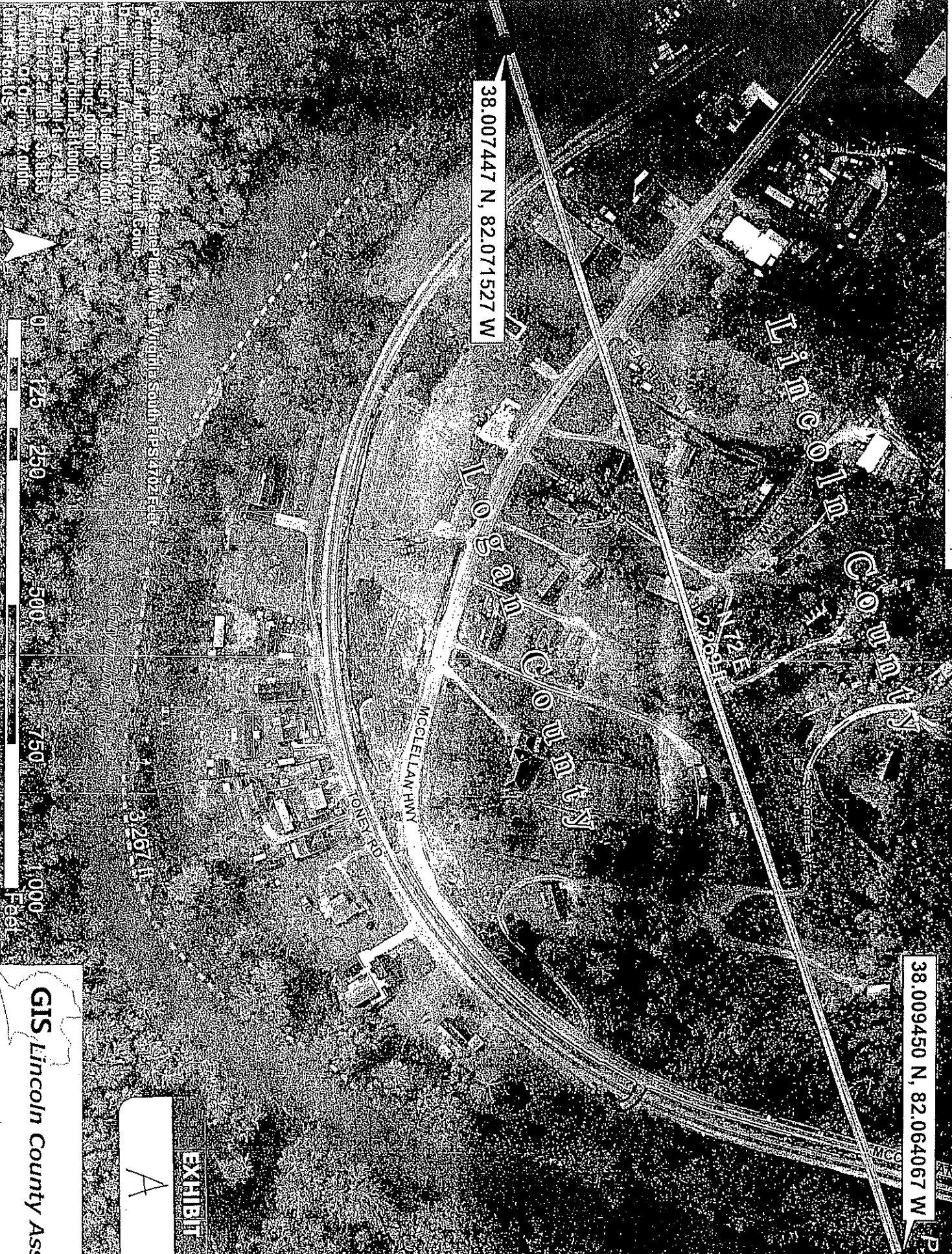
Brian R. Abraham, Esquire  
Abraham & Ilderton  
115 Prosperity Lane  
Logan, WV 25601  
304-752-9111  
WVSB #7121

# Adjustment to Lincoln/Logan Line

38.007447 N, 82.071527 W

38.009450 N, 82.064067 W

P.O.B.



Coordinate System: NAD 1983 StatePlane West Virginia South FIPS 4021 Feet  
Projection: NAD 1983 StatePlane West Virginia South FIPS 4021 Feet  
Datum: North American 1983  
Spheroid: GRS 1980  
False Northing: 0.0000  
Central Meridian: 81.10000  
Standard Parallel 1: 38.8833  
Standard Parallel 2: 38.8833  
Latitude of Origin: 37.0000  
Units: Feet

EXHIBIT  
A

GIS Lincoln County Assessor

## Legal Description

Beginning at a point on the low water mark of the Guyandotte River said point also being in the county line between Lincoln County and Logan County and said point has a location of 38.009450n and 82.064067w' thence, leaving said point and following the meanders of the Guyandotte River in a northerly, e.g. downstream, direction 3,267 feet more or less to a point on the low water mark of the Guyandotte River and also in the Line between Lincoln County and Logan County said point having a location of 38.007447n and 82.071527w' thence, leaving said Guyandotte River and following the historically established county line between Lincoln County and Logan County, such line now being adjusted, N72E 2,269 feet more or less to the point and place of beginning containing 37.50 acres more or less; and, with there being approved and incorporated herein, as an element of this legal description, a GIS aerial map depicting and establishing the totality of the area being adjusted by this boundary line adjustment.

**EXHIBIT**

B