APPROVED AND SIGNED BY THE GOVERNOR

Date 3-6-80

Time 4:30 p.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980

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ENROLLED

SENATE BILL NO. 148

(By Mr. Galvin & Mr. Hamilton)

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PASSED February 26, 1980

In Effect ninety days from Passage

No. 148

ENROLLED

Senate Bill No. 148

(By Mr. Galperin and Mr. Hamilton)

[Passed February 26, 1980; in effect ninety days from passage.]

AN ACT to amend article thirteen-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seventeen, relating to establishing the "West Virginia Coordinate Systems"; dividing the state into two zones for the implementation of such systems; establishing certain requirements with respect to the recordation of documents purporting to utilize such systems; clarifying that purchasers and mortgagees need not rely upon descriptions utilizing said systems; and providing for the recordation of certain documents not utilizing said system.

Be it enacted by the Legislature of West Virginia:

That article thirteen-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section seventeen, to read as follows:

ARTICLE 13A. LAND SURVEYORS.

§30-13A-17. "West Virginia Coordinate Systems"; definition, plane coordinates, limitations of use.

(a) The systems of plane coordinates which have been established by the national ocean survey/national geodetic survey (formerly the United States Coast Geodetic Survey) or its successors for defining and stating the geographic position or locations of points on the surface of the earth within the state of West Virginia are hereafter to be known and designated as the "West

Virginia Coordinate System of 1927" and the "West Virginia Coordinate System of 1983."

For the purpose of the use of this system the state is divided into a "North Zone" and a "South Zone."

The area now included in the following counties shall constitute the North Zone: Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pleasants, Preston, Ritchie, Taylor, Tucker, Tyler, Wetzel, Wirt and Wood.

The area now included in the following counties shall constitute the South Zone: Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lewis, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Putnam, Raleigh, Randolph, Roane, Summers, Upshur, Wayne, Webster and Wyoming.

(b) As established for use in the North Zone, the West Virginia Coordinate System of 1927 or the West Virginia Coordinate System of 1983 shall be named; and in any land description in which it is used it shall be designated, the "West Virginia Coordinate System of 1927 North Zone" or "West Virginia Coordinate System of 1983 North Zone."

As established for use in the South Zone, the West Virginia Coordinate System of 1927 or the West Virginia Coordinate System of 1983 shall be named; and in any land description in which it is used it shall be designated, the "West Virginia Coordinate System of 1927 South Zone" or "West Virginia Coordinate System of 1983 South Zone."

(c) The plane coordinate values for a point on the earth's surface, used to express the geographic position or location of such point in the appropriate zone of this system, shall consist of two distances, expressed in U. S. survey feet and decimals of a foot when using the West Virginia Coordinate System of 1927, and expressed in meters and decimals when using the West Virginia Coordinate System of 1983. One of these distances, to be known as the "x-coordinate," shall give the posi-

tion in an east-and-west direction; the other, to be known as the "y-coordinate," shall give the position in a north-and-south direction.

These coordinates shall be made to depend upon and conform to plane rectangular coordinate values for the monumented points of the North American Horizontal Geodetic Control Network as published by the National Ocean Survey/National Geodetic Survey (formerly the United States Coast and Geodetic Survey), or its successors, and whose plane coordinates have been computed on the system defined by this section. Any such station may be used for establishing a survey connection to either West Virginia coordinate system.

(d) For purposes of describing the location of any survey station or land boundary corner in the state of West Virginia, it shall be considered a complete, legal, and satisfactory description of such location to give the position of said survey station or land boundary corner on the system of plane coordinates defined in this section.

Nothing contained in this section shall require a purchaser or mortgagee of real property to rely wholly on a land description, any part of which depends exclusively upon either West Virginia coordinate system.

(e) When any tract of land to be defined by a single description extends from one into the other of the above coordinate zones, the position of all points on its boundaries may be referred to either of the two zones. The zone which is being used specifically shall be named in the description.

(f) (1) For purposes of more precisely defining the West Virginia Coordinate System of 1927, the following definition by the United States Coast and Geodetic Survey (now National Ocean Survey/National Geodetic Survey) is adopted:

The "West Virginia Coordinate System of 1927 North Zone" is a Lambert conformal conic projection of the Clarke Spheriod of 1866, having standard parallels at north latitudes 39 degrees and 00 minutes and 40 degrees and 15 minutes, along which parallels the scale

shall be exact. The origin of coordinates is at the intersection of the meridian 79 degrees 30 minutes west of Greenwich and the parallel 38 degrees 30 minutes north latitude. This origin is given the coordinates: x = 2,000,000 feet and y = 0 feet.

The "West Virginia Coordinate System of 1927 South Zone" is a Lambert conformal conic projection of the Clarke Spheriod of 1866, having standard parallels at north latitudes 37 degrees 29 minutes and 38 degrees 53 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 81 degrees 00 minutes west of Greenwich and the parallel 37 degrees 00 minutes north latitude. This origin is given the coordinates: x = 2,000,000 feet and y = 0 feet.

(2) For purposes of more precisely defining the West Virginia Coordinate System of 1983, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:

The "West Virginia Coordinate System of 1983 North Zone" is a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north latitudes 39 degrees and 00 minutes and 40 degrees and 15 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 79 degrees 30 minutes west of Greenwich and the parallel 38 degrees 30 minutes north latitude. This origin is given the coordinates: x = 600,000 meters and y = 0 meters.

The "West Virginia Coordinate System of 1983 South Zone" is a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north latitudes 37 degrees 29 minutes and 38 degrees 53 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 81 degrees 00 minutes west of Greenwich and the parallel 37 degrees 00 minutes north latitude. This origin is given the coordinates: x = 600,000 meters and y = 0 meters.

(g) No coordinates based on the West Virginia co-

ordinate system, purporting to define the position of a point on a land boundary, shall be presented to be recorded in any public records or deed records unless such point is within one kilometer of a public or private monumented horizonal control station established in conformity with the standards of accuracy and specifications for first or second-order geodetic surveying as prepared and published by the Federal Geodetic Control Committee (FGCC) of the United States department of commerce. Standards and specifications of the FGCC or its successor in force on date of said survey shall apply. The publishing of the existing control stations, or the acceptance with intent to publish the newly established control stations, by the National Ocean Survey/National Geodetic Survey will constitute evidence of adherence to the FGCC specifications. The above limitations may be modified by a duly authorized state agency to meet local conditions.

(h) The use of the term "West Virginia Coordinate System of 1927 North or South Zone" or "West Virginia Coordinate System of 1983 North or South Zone" on any map, report of survey or other document shall be limited to coordinates based on the West Virginia coordinate system as defined in this section.

(i) Nothing in this section shall prevent the recordation in any public record of any deed, map, plat, survey, description or of any other document or writing of whatsoever nature which would otherwise constitute a recordable instrument or document even though the same is not based upon or done in conformity with the West Virginia coordinate system established by this section, nor shall such nonconformity with such system invalidate any deed, map, plat, survey, description or other document which is otherwise proper.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence C. Chunn
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Fred C. Wells
Clerk of the Senate

C. C. Blankenship
Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 6 day of March, 1980.

Governor

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SECY. OF STATE