WEST VIRGINIA CODE CHAPTER 1 ARTICLE 1

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§1-1-1. Counties comprising state of West Virginia.

The state of West Virginia includes all the territory formerly belonging to the state of Virginia and now comprising the following counties, to wit: Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming.

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§1-1-2. Jurisdiction over rivers.

The jurisdiction of this state also extends over all the rivers which are boundary lines between this and any other state, to the opposite shore, where there is no statute or compact to the contrary.

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§1-1-3. Acquisition of lands by United States; jurisdiction.

The consent of this state is hereby given to the acquisition by the United States, or under its authority, by purchase, lease, condemnation, or otherwise, of any land acquired, or to be acquired in this state by the United States, from any individual, body politic or corporate, for sites for lighthouses, beacons, signal stations, post offices, customhouses, courthouses, arsenals, soldiers' homes, cemeteries, locks, dams, armor plate manufacturing plants, projectile factories or factories of any kind or character, or any needful buildings or structures or proving grounds, or works for the improvement of the navigation of any watercourse, or work of public improvement whatever, or for the conservation of the forests, or for any other purpose for which the same may be needed or required by the government of the United States. The evidence of title to such land shall be recorded as in other cases.

Any county, magisterial district or municipality, whether incorporated under general law or special act of the Legislature, shall have power to pay for any such tract or parcel of land and present the same to the government of the United States free of cost, for any of the purposes aforesaid, and to issue bonds and levy taxes for the purpose of paying for the same; and, in the case of a municipal corporation, the land so purchased and presented may be within the corporate limits of such municipality or within five miles thereof: Provided, however, That no such county, magisterial district or municipality shall, by the issue and sale of such bonds, cause the aggregate of its debt to exceed the limit fixed by the Constitution of this state: Provided further, That the provisions of the Constitution and statutes of this state, or of the special act creating any municipality, relating to submitting the question of the issuing of bonds and all questions connected with the same to a vote of the people, shall, in all respects, be observed and complied with.

Concurrent jurisdiction with this state in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States for all purposes; but the jurisdiction so ceded shall continue no longer than the United States shall be the owner of such lands, and if the purposes of any grant to the United States shall cease, or the United States shall for five consecutive years fail to use any such land for the purposes of the grant, the jurisdiction hereby ceded over the same shall cease and determine, and the right and title thereto shall reinvest in this state. The jurisdiction ceded shall not vest until the United States shall acquire title of record to such land. Jurisdiction heretofore ceded to the United States over any land within this state by any previous acts of the Legislature shall continue according to the terms of the respective cessions.

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§1-1-4. Execution of process and other jurisdiction as to land acquired by United States.

The State of West Virginia reserves the right to execute process, whether juvenile, civil, or criminal, within the limits of any lot or parcel of land heretofore or hereafter acquired by the United States as aforesaid, and such other jurisdiction and authority over the same as is not inconsistent with the jurisdiction ceded to the United States by virtue of such acquisition.

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§1-1-5. West Virginia coordinate systems; definitions; plane coordinates, limitations of use; conversion factor for meters to feet; official geodetic datum.

(a) The following acronyms used throughout this section shall have the following meanings:

(1) "FGDC" means the Federal Geographic Data Committee or its successors;

(2) "NSRS" means the National Spatial Reference System or its successors;

(3) "NGS" means the National Geodetic Survey or its successors;

(4) "SPCS" means the State Plane Coordinate System or its successors; and

(5) "WVCS" means the West Virginia Coordinate System.

(b) The most recent system of plane coordinates which has been established by the NGS, based on the NSRS, and known as the SPCS, for defining and stating the positions or locations of points within West Virginia shall be known and designated as the West Virginia Coordinate System.

(c) The plane coordinate values used to express the position or location of a point in this system shall consist of two distances, expressed in feet and decimals of a foot or in meters and decimals of a meter. One of these distances, to be known as the x-coordinate, shall give the position 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.

(d) The associated factor of one meter equals 1/0.3048 feet shall be used in any conversion necessitated by changing values from meters to feet.

(e) Information and mathematical data for defining the WVCS, and previous versions thereof, including but not limited to, the West Virginia Coordinate System of 1927 and the West Virginia Coordinate System of 1983, and information and mathematical data for translating or converting coordinates between the WVCS and the previous versions thereof, shall be the information and data published by the NGS for such purposes.

(f) For purposes of describing the location of any survey station in the State of West Virginia, it shall be considered a complete, legal, and satisfactory description of the location to give the position of the survey station on the WVCS as defined in this section.

(g) Any survey that establishes WVCS coordinates to express definite positions, which is to be used or relied upon by any federal, state, or local government entity, or by the public generally, shall be performed:

(1) By a professional surveyor licensed to practice surveying in the State of West Virginia pursuant to §30-13A-1 *et seq*. of this code;

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(2) In compliance with all other laws, rules, or regulations governing surveying in the State of West Virginia; and

(3) In compliance with the Geospatial Positioning Accuracy Standards established and published by the FGDC, and in effect at the time the survey is performed.

(h) In addition to any other requirements imposed by law, rule or regulation, any map, plat, report, description or geospatial product that claims to report WVCS coordinates to express definite positions, to be used or relied upon by any federal, state, or local government entity, or by the public generally, shall show, or have attached thereto, metadata that meets the requirements established by the FGDC in effect at the time the map, plat, report, description, or geospatial product was produced, including a description of the methodology used to establish the WVCS coordinate values reported that is adequate for users to evaluate the accuracy of the coordinates.

(i) For purposes of describing the location of any land boundary corner in the State of West Virginia, it shall be considered a complete, legal, and satisfactory description of the location to give the position of the land boundary corner on the WVCS as required in this section, in addition to other location information as may otherwise be required by law, rule, or regulation: *Provided*, That nothing contained in this section requires a purchaser or mortgagee of real property to rely wholly on a land description, any part of which depends exclusively upon the WVCS.

(j) No coordinates based on the WVCS, purporting to define the position of a point on a land boundary, may be presented to be recorded in any public records or deed records unless a certification is attached thereto and, recorded simultaneously therewith, certifying the coordinates were established in compliance with the laws, rules, and regulations governing surveying in West Virginia by a professional surveyor licensed to practice surveying in West Virginia pursuant to §30-13A-1 *et seq*. of this code.

(k) A plat and a description of survey purporting to define the position of a point on a land boundary by the use of the WVCS must show the following:

(1) The accuracy of the coordinates stated at the 95 percent confidence level and in compliance with the Geospatial Positioning Accuracy Standards established and published by the FGDC in effect at the time of the survey. The coordinate accuracies reported by the surveyor shall take into account the network accuracy of existing control, as well as additional systematic effects;

(2) The applicable datum, datum tag, epoch date in a decimal year format, and the zone that are the basis of the coordinates. The datum, datum tag, epoch date, and zone shall be as published by the NGS and shall be shown by an appropriate note, or by suffix such as "NAD83 (2011) epoch 2010.00, WVCS, South Zone"; and

(3) The signature and seal of the professional surveyor licensed to practice surveying in

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West Virginia pursuant to §30-13A-1 *et seq*. of this code.

(l) The use of the term "West Virginia Coordinate System" on any map, report, or survey, or other document shall be limited to coordinates based on the WVCS as defined in this section.

(m) Nothing in this section prevents the recording in any public record of any deed, map, plat, survey, description, or of any other document or writing of whatever nature which would otherwise constitute a recordable instrument or document even though the same is not based upon or done in conformity with the WVCS established by this section, nor does nonconformity with the WVCS invalidate any deed, map, plat, survey, description, or other document which is otherwise proper.

(n) The official geodetic datums to which geodetic coordinates (including, but not limited to, latitude, longitude, ellipsoid height, orthometric height, or dynamic height) are referenced within the State of West Virginia shall be as defined for the NSRS.

(o) Any map, plat, report, description, or geospatial product that establishes or reports geodetic positions referenced to the NSRS for the purpose of expressing definite positions that is to be used by or relied on by any federal, state, or local government entity or by the public generally shall comply with the accuracy and reporting requirements set forth above for the WVCS.

(p) The provisions of this chapter may not be construed to prohibit the appropriate use of other coordinate systems, datums, and other geodetic reference networks.

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§1-1-6. Concurrent jurisdiction in and over lands acquired by United States for military purposes.

(a) Consent of State. — The consent of this state is hereby given to the establishment of concurrent jurisdiction with the United States in and over any land acquired, or to be acquired, in this state by the United States for military purposes. Land acquired by the United States for military purposes includes, but is not limited to, land in this state that is acquired by the United States for use by the United States Armed Forces, the West Virginia National Guard, or any other federal department or agency for military purposes.

(b) Administrative Authority Delegated. — The Governor shall accept a request by the United States to establish concurrent jurisdiction over any land within the boundaries of this state acquired by the United States for military purposes, which acceptance shall be effective when each of the following have occurred:

(1) Request. — To request concurrent jurisdiction under this section, the principal officer of a military installation in the state or any other authorized representative of the United States having supervision and control over the land for which concurrent jurisdiction is sought shall send a written request for concurrent jurisdiction to the Governor. The request shall:

(A) Clearly state the subject matter for the concurrent jurisdiction request, specifically identifying whether it includes juvenile delinquency and status offenses committed on the land for which concurrent jurisdiction is sought;

(B) Provide a metes and bounds description of the boundary of the concurrent jurisdiction request; and

(C) Indicate whether the request includes future contiguous expansions of land acquired for military purposes.

(2) Acceptance. — The Governor shall send a written acceptance of the request for concurrent jurisdiction to the party who sent the request. The written acceptance shall confirm each of the elements of the request that are accepted.

(3) Filing. — Upon accepting a request for concurrence jurisdiction, the Governor shall cause the following to be recorded and indexed with the Secretary of State:

(A) The written request for concurrent jurisdiction;

(B) The written acceptance; and

(C) The metes and bounds description of the land subject to concurrent jurisdiction.

Upon filing, the Governor shall cause a certified copy of the recorded documents to be sent to the party who sent the request for concurrent jurisdiction.

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(c) Local Agreements Authorized. — Upon the establishment of concurrent jurisdiction, any state or local agency may enter into a reciprocal agreement or memorandum of understanding with any agency of the United States for coordination and designation of responsibilities related to the concurrent jurisdiction.

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