

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

House Bill 4624

BY DELEGATES HOWELL, HAMRICK, PACK, BREWER,
JENNINGS, IAQUINTA, FERRO, HILL, DISERIO, MARCUM
AND MAYNARD

[Passed March 5, 2018; in effect ninety days from passage.]

1 AN ACT to amend and reenact §1-1-5 of the Code of West Virginia, 1931, as amended, relating
2 to West Virginia coordinate systems; defining terms; updating plane coordinate values;
3 establishing conversion factor for conversion from meters to United States Survey feet;
4 directing use of certain data published by the National Geodetic Survey; setting
5 requirements for survey establishing coordinates that is relied on by governmental entities
6 or the public; setting requirements for certain maps, plats, reports, descriptions or
7 geospatial products to be relied on by governmental entities or the public; setting legal
8 requirements for describing location of land boundary corners; requiring certification of
9 compliance be filed for certain documents recorded in public records or deed records;
10 setting requirements for certain plats and descriptions of surveys; requiring official
11 geodetic data to be referenced in the State be defined for National Spatial Reference
12 System; requiring compliance with accuracy and reporting requirements for certain maps,
13 plats, reports, descriptions or geospatial products; clarifying that other coordinate systems,
14 data and geodetic reference networks may be used where appropriate; eliminating
15 obsolete language; and updating references.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. LIMITS AND JURISDICTION.

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

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

- 3 (1) "FGDC" means the Federal Geographic Data Committee or its successors;
- 4 (2) "NSRS" means "The National Spatial Reference System" or its successors;
- 5 (3) "NGS" means "The National Geodetic Survey" or its successors;
- 6 (4) "SPCS" means "State Plane Coordinate System" or its successors; and
- 7 (5) "WVCS" means "The West Virginia Coordinate System".

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

12 (c) The plane coordinate values used to express the position or location of a point in this
13 system shall consist of two distances, expressed in U.S. Survey feet and decimals of a foot or in
14 meters and decimals of a meter. One of these distances, to be known as the x-coordinate, shall
15 give the position in an east-and-west direction. The other, to be known as the y-coordinate, shall
16 give the position in a north-and-south direction.

17 (d) The associated factor of one meter equals 39.37/12 United States Survey feet shall be
18 used in any conversion necessitated by changing values from meters to United States Survey
19 feet.

20 (e) For the purpose of the use of this system the state is divided into a North Zone and a
21 South Zone.

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

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

30 (f) As established for use in the North Zone, the WVCS shall be named and in any land
31 description, map, survey or geospatial product in which it is used it shall be designated the WVCS
32 North Zone.

33 As established for use in the South Zone, WVCS shall be named and in any land
34 description, map, survey or geospatial product in which it is used it shall be designated the WVCS
35 South Zone.

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

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

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

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

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

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

53 (j) In addition to any other requirements imposed by law, rule or regulation, any map, plat,
54 report, description or geospatial product that claims to report WVCS coordinates to express
55 definite positions, to be used or relied upon by any federal, state or local government entity, or by
56 the public generally, shall show, or have attached thereto, metadata that meets the requirements
57 established by the FGDC in effect at the time the map, plat, report, description or geospatial

58 product was produced, including a description of the methodology used to establish the WVCS
59 coordinate values reported that is adequate for users to evaluate the accuracy of the coordinates.

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

67 (l) When any tract of land to be defined by a single description extends from one into the
68 other of the coordinate zones specified in this section, the position of all points on its boundaries
69 may refer to either of the two zones. The zone which is being used shall be specifically named in
70 the description.

71 (m) No coordinates based on the WVCS, purporting to define the position of a point on a
72 land boundary, may be presented to be recorded in any public records or deed records unless a
73 certification is attached thereto and, recorded simultaneously therewith, certifying the coordinates
74 were established in compliance with the laws, rules and regulations governing surveying in West
75 Virginia by a professional surveyor licensed to practice surveying in West Virginia pursuant to
76 §30-13A-1 *et seq.* of this code.

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

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

83 (2) The applicable datum, datum tag, epoch date in a decimal year format, and the zone
84 that are the basis of the coordinates. The datum, datum tag, epoch date and zone shall be as
85 published by the NGS and shall be shown by an appropriate note, or by suffix such as “NAD83
86 (2011) epoch 2010.00, WVCS, South Zone”; and

87 (3) The signature and seal of the professional surveyor licensed to practice surveying in
88 West Virginia pursuant to §30-13A-1 *et seq.* of this code.

89 (o) The use of the term “West Virginia Coordinate System North or South Zone” on any
90 map, report or survey or other document shall be limited to coordinates based on the WVCS as
91 defined in this section.

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

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

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

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

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2018.

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Governor