

**Petition for Reform of Annexation without an Election
West Virginia Code §8-6-4**

February 27, 2009

Dear Elected Official:

We the citizens of the State of West Virginia respectfully affix our signatures in protest of West Virginia Code §8-6-4; Annexation without an Election.

We, as citizens, expect our legislature and government to protect the security of our lands from invasive entities, both foreign and domestic. We expect protection and respect for our land, both rural and urban; our inalienable rights as citizens, including our right to vote; our culture and heritage, etc. We feel this law is wrong on many levels, some of which are listed below.

Whereas: The law; and the phrase itself, “Annexation without an Election”, undermines the rights of citizens of a democratic society by removing their inalienable rights as land owners and voters as laid out in the U.S. Constitution and Bill of Rights.

Whereas: Code §8-6-4, as written, allows municipalities to aggressively invade rural communities against the will of affected residents, effectively destroying everything these communities hold dear; their cultural heritage, their environment, their sense of identity, etc.

Whereas: The law is supportive of urban sprawl, an epidemic that is plaguing our nation and reducing our ability to feed ourselves while eliminating rural communities.

Whereas: Code §8-6-4 allows municipalities to haphazardly grow, permanently destroying sensitive environments, ecological systems, farmlands, forested areas, and watersheds.

Whereas: Municipalities are using the code to increase their tax base with the intent of balancing budget shortfalls rather than using sound business decisions to manage themselves. This affects not only residents of the annexed area with higher taxes, but also those abutting the boundary as well.

Whereas: Code §8-6-4, as written, gives excessive power to municipalities and undermines the ability of county commissions to function as a central governing and planning body.

Whereas: Code §8-6-4, as written, is being cited/used by individuals, corporations, and municipalities as a vehicle for personal gain and supporting poor city governing with no system of checks and balances.

In Example:

The town of Ronceverte, a class IV municipality, recently annexed two subdivision developments (Stoney Glen and Patriot Hills), effectively doubling

their boundaries, through Code §8-6-4. Both of these subdivisions are in their embryonic states and have no residents. Yet through petition of the developer and a couple of lot owners, neither of which are local residents or voters, they were able to expedite these annexations with the aid of Ronceverte City Council despite public outcry.

Ronceverte City Council has pushed through, in both cases, an annexation ordinance citing Code §8-6-4. The Stoney Glen development is four miles from Ronceverte's current boundary and is being built directly over an ecologically sensitive and historic landmark, Organ Cave. During the excavation process, the upper caves were punctured and filled in.

Due to the distance, Ronceverte included (or annexed) four miles of US-219 (for emergency access) and Morgan Hollow Rd. (location of a waterline); this will cause serious difficulties for the director of the 911 center trying to dispatch emergency calls and determining jurisdiction. The county sheriff's office will also incur similar difficulties.

Over 200 rural residents, (The Organ Cave Community) are affected by this decision.

This is a perfect example of how a law can be abused if there are no checks and balances in place to oversee planning and growth

Therefore: We as citizens protest Code §8-6-4 and this form of annexation. We would ask that our elected officials review the code and its affect on rural communities and local governments. We ask that they look at the bigger picture and put themselves in the shoes of the residents of Organ Cave and other rural communities statewide and think about the struggle they are facing in protecting their community from aggressive, predatory, and invasive outside entities.

Enclosed, you will find, along with our signatures, addresses, and phone numbers, a copy of a letter that was distributed and mailed, by the residents of the Organ Cave Community, to the Greenbrier County Commission regarding: the Stoney Glen subdivision, and the aggressive annexation by the town of Ronceverte,.

We request that the code be amended, **as soon as possible and effective on date amended**, to restore the democratic process and our rights as citizens. For not only does the annexation process affect those with in annexed boundaries but also those that live immediately outside those boundaries.

Most respectfully yours,

Robert A. Doering and others