

# WEST VIRGINIA CODE: §7-3-3

## §7-3-3. Sale of county or district property.

(a) Except as may be prohibited by law or otherwise, the county commission of a county is authorized by law to sell or dispose of any property, either real or personal, belonging to the county or held by it for the use of any district thereof.

The property shall be sold at an on-site public auction, by utilizing an Internet-based public auction service, through competitive bidding as provided in subsection (d) of this section, or through the sale of county-owned property to a private party as provided in subsection (e) of this section, and the sale shall be conducted by the president of the county commission, but before making the sale, notice of the time, terms, manner and either the location of the sale or the Internet-based public auction service to be utilized, together with a brief description of the property to be sold, shall be published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for the publication is the county: *Provided*, That this section does not apply to the sale of any one item of property of less value than \$10,000.

(b) The provisions of subsection (a) of this section concerning sale at public auction do not apply to a county commission selling or disposing of its property for public use to:

- (1) The United States of America, its instrumentalities, agencies, or political subdivisions;
- (2) The State of West Virginia, or its political subdivisions, including county boards of education, volunteer fire departments, and volunteer ambulance services; or
- (3) Any community center organization already in existence on the effective date of the amendments to this section made during the 2020 Regular Session of the Legislature or nonprofit senior center organization, or any authority, commission, instrumentality, or agency established by act of the State of West Virginia or any of its political subdivisions.
- (4) For all sales made pursuant to this subsection, county commissions are not required to exclusively consider the present commercial or market value of the property; and
- (5) A sale under the provisions of this subsection may not be for less than \$1.

(c) For all real property conveyed or sold by a county commission to a volunteer fire department, volunteer ambulance service, nonprofit community center organization, nonprofit senior center organization, or any other authority, commission, instrumentality, or agency, under the provisions of subsection (b) of this section, the real property shall revert back to the county commission if the volunteer fire department, volunteer ambulance service, nonprofit community center organization, or nonprofit senior center organization, authority, commission, instrumentality, or agency proposes to dispose of the property, unless

the county commission explicitly disclaims this reversionary right in writing in the deed of conveyance.

(d) The county commission may use the competitive bidding process in this subsection as an alternative to the public auction process.

(1) The minimum sales price for the county commission to sell property under this subsection shall be one and one-half times the assessed value of the property based on the most recent tax assessed year pursuant to §11-3-1 *et seq.* of this code or based on a third-party appraisal conducted by a state-licensed real estate appraiser.

(2) The bidding requirements:

(A) The county commission shall solicit bids by public notice published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code;

(B) All qualified bidders shall be afforded equal opportunity to submit bids;

(C) The county commission may establish reasonable qualification requirements for bidders, including, but not limited to, financial capacity, experience, and compliance with applicable laws;

(D) Bids shall be sealed and opened publicly at the time and place specified in the notice;

(E) The county commission shall develop award criteria;

(F) The county commission shall provide notice requirements;

(G) The county commission shall maintain record keeping; and

(H) The county commission shall provide exclusions.

(e) Sale of county-owned property to a private party.

(1) Notwithstanding any other provision of this section, a county commission may sell county-owned real property directly to private party purchasers: *Provided*, That the purchase price is at least 75 percent of the property's appraised value as determined by:

(A) the county assessor; or

(B) a third-party appraisal conducted by a state-licensed real estate appraiser.

(2) Prior to formally considering any offers under this subsection, the county commission shall publish a Class II legal advertisement in compliance with §59-3-2 of this code. The advertisement shall:

(A) run once a week for two consecutive weeks in a qualified newspaper published within the

county;

(B) include a description of the property, the proposed method of sale, and the minimum acceptable purchase price; and

(C) state the time, date, and location at which the county commission will act upon the proposed sale.

(3) After the property is sold, the county commission shall publish on its official website all formal offers received for the property, including the name of each offeror and the dollar amount offered. The listing shall remain posted on the county's website for no fewer than 30 days following the commission's approval of the sale.

(f) In all other cases involving a sale, any county commission is hereby empowered and authorized to sell any of its real or personal property or any interest therein or any part thereof for a fair and adequate consideration, the property to be sold at public auction at a place designated by the governing body, or by using an Internet-based public auction service, but before making any sale, notice of the time, terms, and place of sale, together with a brief description of the property to be sold, shall be published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code and the publication area for the publication shall be the county. The requirements of notice and public auction shall not apply to the sale of any one item or piece of property of less value than \$10,000 and under no circumstances shall the provisions of this section be construed as being applicable to any transaction involving the trading in of county-owned property on the purchase of new or other property for the county commission and every county commission shall have plenary power and authority to enter into and consummate any trade-in transaction.

(g) In all other cases involving a lease, any county commission is hereby empowered and authorized to lease as lessor any of its real or personal property or any interest therein or any part thereof for a fair and adequate consideration and for a term not exceeding 50 years. Every lease shall be authorized by resolution of the county commission, which resolution may specify terms and conditions which must be contained in such lease: *Provided*, That before any proposed lease is authorized by resolution of the county commission, a public hearing on the proposed lease shall be held by the county commission after notice of the date, time, place, and purpose of the public hearing has been published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code and the publication area for the publication shall be the county. The power and authority granted in this subsection shall be in addition to, and not in derogation of, any power and authority vested in any county commission under any constitutional or other statutory provision now or hereafter in effect.