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ENROLLED BILL

House Bill No. 284.

(By Mr. Barnhart (by request))

Passed March 14, 1931

In Effect Ninety days from Passage

Originated in the House
Clerk.
Takes effect
Ninety days from
Clerk of the House of Delegates.
Passage.

CORRECTLY ENROLLED

Chairman House Committee.
Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 284)

[Passed March 14, 1931; in effect ninety days from passage.]

AN ACT to amend and re-enact section nine of article two of chapter fifty-four of the official code of West Virginia, relating to reports of commissioners and elements of damages in condemnation cases.

Be it enacted by the Legislature of West Virginia:

That section nine of article two of chapter fifty-four of the official code of West Virginia, relating to reports of commissioners and the elements of damages in condemnation cases be and the same is hereby amended and re-enacted so as to read as follows:

Section 9. The commissioners, after viewing the property and hearing any proper evidence which is offered, shall ascertain what will be a just compensation to the person entitled thereto for so much thereof as is proposed to be taken, or for the interest therein, if less than a fee, and for damage to the residue of the tract, beyond the peculiar benefits to be derived, in respect to such residue, from the work to be constructed, or

CORRECTLY ENROLLED

Joseph D. Smith

Chairman Senate Committee.

Samuel M. Reed

Chairman House Committee.

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8 the purpose to which the land to be taken is to be appropriated,
9 including, when less than the fee is taken, the actual damage, if
10 any, done, or that may be done, to the fee by such construction,
11 and make report to the following effect:

12 "We, the commissioners, appointed by the circuit court of
13 county, (or by the judge thereof in vacation,
14 as the case may be) by an order made on the day of
15, on the application of, re-
16 spectfully report, that having been first duly sworn, we have
17 viewed the real estate owned by, mentioned
18 in the said application, and are of opinion that
19 dollars will be a just compensation for so much of the said real
20 estate as is proposed to be taken by the said applicant, that is to
21 say: (here describe the part to be taken, and the interest therein,
22 if less than a fee, so as to identify the same with reasonable cer-
23 tainty, which description may be supplemented by reference to
24 a plat annexed to the report, or in any manner that would be
25 sufficient in a conveyance) as well as for damages to the resi-
26 due of the said real estate beyond the peculiar benefits which
27 will be derived in respect to such residue from the work to be
28 constructed (or from the purposes to which the part to be taken

CORRECTLY ENROLLED

Jacob D. Smith

Chairman Senate Committee

Samuel M. Newcomb

Chairman House Committee

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29 by said applicant is to be appropriated). Given under our
30 hands this day of”

31 But if the property is proposed to be taken by a company in-
32 corporated for the construction of a railroad, no damages shall
33 be ascertained for the construction of any farm crossings, fences
34 or cattle guards, or for keeping the same in repair. The report
35 shall be signed by at least three of the commissioners, and forth-
36 with returned to the clerk's office of the court, to be filed with
37 the papers of the case.

38 In ascertaining what will be a just compensation to the per-
39 son entitled thereto for land on which is situated any building,
40 structure or improvement or part thereof, the commissioners, or
41 a jury, where there is a trial by jury, shall take into considera-
42 tion the cost of the removal of such building, structure or im-
43 provement to a suitable place, if any such place there be on the
44 residue of the land from which the property is sought to be
45 taken.

CORRECTLY ENROLLED

Chairman Senate Committee.

Chairman House Committee.

J. Alfred Taylor
Speaker of the House of Delegates.

R. H. Linder
Clerk of the House of Delegates.

W. A. White
President of the Senate.

W. S. Hodge
Clerk of the Senate.

The within is... *approved*
this... *20th* day of... *March*... 1931.

W. McHenry
Governor.

Filed in the office of the Secretary of State
of West Virginia... *MAR 21 1931*
GEORGE W. STARR,
Secretary of State.