ENROLLED BILL
(EXTRAORDINARY SESSION, 1933)

House Bill No. 53
(By Mr. [Signature])

Passed April 19, 1933

In Effect from Passage
ENROLLED BILL

(H. B. No. 53)

[Passed April 19, 1933; in effect from passage.]

AN ACT to amend section fifty, chapter six of the acts of the legislature (municipal charters), one thousand nine hundred twenty-nine, relating to the charter of the city of Wheeling.

Be it enacted by the Legislature of West Virginia:

That section fifty, chapter six of the acts of the legislature (municipal charters), one thousand nine hundred twenty-nine, relating to the charter of the city of Wheeling, be amended to read as follows:

Section 50. The council may cause to be taken or damaged for the use of the city, for streets, alleys, markets, bridges, public squares, parks, playgrounds and other municipal purposes, including occupation by sewer, water pipes, gas pipes, heating pipes, compressed air pipes and electric or other subways, any private property within the city (but where such use is to se-
7 cure or improve the water supply, or for park, playgrounds,
8 sanitary or cemetery purposes, outside the limits of the city),
9 but no such property shall be taken or damaged without just
10 compensation. The compensation, if it cannot be determined
11 by agreement with the owner of the property so taken or dam-
12 aged, shall be ascertained in such manner as is or may be pre-
13 scribed by general law for the condemnation of land for public
14 purposes. In addition to all other levies provided by law, the
15 council of the city of Wheeling shall have the right to levy an-
16 nually not to exceed five cents on each one hundred dollars of
17 the assessed valuation of the property within the limits of the
18 city according to the last assessment thereof for state and county
19 purposes, for the purpose of obtaining and maintaining parks,
20 playgrounds and recreation centers.
21 For the management of that plat of ground heretofore known
22 as Wheeling park, and donated to the city of Wheeling on the
23 eighteenth day of December, one thousand nine hundred twenty-
24 four, for use as a municipal park, and for the management of
25 such other parks as may hereafter be acquired by the city of
26 Wheeling there shall be, and there is hereby created a commis-
27 sion to be known as "Wheeling park commission," and the
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that same is hereby made a body corporate, and by that name the

commission may sue and be sued, plead and be impleaded; and

contract and be contracted with. The said commission shall

consist of five citizens of the city of Wheeling, who shall be

appointed in the manner hereinafter set out, and who shall

serve without compensation and shall hold no remunerative

political office, either state, county or municipal; and no mem-

ber of the commission shall be eligible to appointment to

any remunerative office or position under the jurisdiction of

the commission. Before the first day of March, one thousand

nine hundred twenty-five, the board of directors of the Wheel-

ing chamber of commerce shall appoint three members of the

said commission, and the city council shall appoint two mem-

bers of the same commission. The said commissioners ap-

pointed by the board of directors of the Wheeling chamber of

commerce shall hold office from March first, one thousand nine

hundred twenty-five, for one, two and four years, respectively,

as designated by said board of directors, and the two members

of the commission appointed by the city council shall hold office

from March first, one thousand nine hundred twenty-five for

three and five years respectively, as designated by the city

Chairman Senate Committee.

James E. Smith
Chairman House Committee.
49 council. Their respective successors, however, shall be ap-
50 pointed for the term of five years each, excepting that any per-
51 son appointed to fill a vacancy occurring before the expiration 
52 of a term shall serve only for the unexpired term; any com-
53 missioner shall be eligible for reappointment: Provided fur-
54 ther, That any vacancy created either by the expiration of a 
55 term, or otherwise, shall be filled by appointing body, either the 
56 board of directors of Wheeling chamber of commerce, or the 
57 city council, as the case may be which may have appointed the 
58 commissioner whose place on the commission is being filled. 
59 Upon the appointment of said commission, the members there-
60 of shall elect from among their number a chairman and a sec-
61 retary-treasurer who shall hold office for one year and be eligi-
62 ble for reelection. Annually thereafter the commission shall 
63 organize by the election of a secretary-treasurer and such other 
64 officers from its own number as it may deem advisable. Mem-
65 bers of the commission may be removed from office in the same 
66 manner as provided for the removal of county officers under 
67 section seven, article six, chapter six of the code of West Vir-
68 ginia, one thousand nine hundred thirty-one. The commission 
69 shall have all and sole power necessary, convenient and ad-
70 visable for the proper care, equipment and management of
71 the said Wheeling park and other parks hereafter acquired by
72 the city of Wheeling, either by gift or purchase, and shall make
73 such rules and regulations as it shall deem expedient for the
74 care and management thereof.

75 In order to provide for the purchase of the equipment for
76 use in Wheeling park and Oglebay park (Waddington) and for
77 the maintenance and upkeep of said Wheeling park and Ogle-
78 bay park, the city council of Wheeling shall levy annually
79 on each one hundred dollars of the assessed valuation of the
80 property in the limits of the city, according to the last as-
81 sessment thereof for state and county purposes, as follows:
82 On class I property, one and one-half cents.
83 On class II property, three cents.
84 On class IV property, six cents.
85 Except that the city council may levy a lesser amount when
86 requested to do so by the commission, in which case the above
87 levies shall be reduced proportionally. These levies shall be in-
88 cluded in the maximum rates established by section eleven,
89 article eight, chapter eleven of the code, as amended by the
90 acts of one thousand nine hundred thirty-three. The proceeds
of this levy shall be for the exclusive use of said Wheeling
park, Oglebay park and any other parks hereafter acquired as
aforesaid by the city of Wheeling, and shall be disbursed only
upon the order of the commission evidenced by warrants drawn
on the city treasurer, and signed by the chairman and the
secretary-treasurer of the commission.
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[Signature]
Chairman Senate Committee.

[Signature]
Clerk of the House of Delegates.

[Signature]
President of the Senate.

[Signature]
Clerk of the Senate.

The within is approved

this 20th day of April, 1933.

[Signature]
Governor.

Filed in the office of the Secretary of State
of West Virginia—APR 21 1933
Wm S O'Brien,
Secretary of State