

Reid April 20-

9
13

ENROLLED BILL

(EXTRAORDINARY SESSION, 1933)

House Bill No. 53

(By Mr. Marsh Cof Ohio)

Passed April 19 1933

In Effect from Passage

Originated in the..... Takes effect..... Passage

Clerk of the House of Delegates.

CORRECTLY ENROLLED

Clerk.

Chairman Senate Committee.

Chairman House Committee.

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 2 for the use of the city, for streets, alleys, markets, bridges, public squares, parks, playgrounds and other municipal purposes, 3 including occupation by sewer, water pipes, gas pipes, heating 4 pipes, compressed air pipes and electric or other subways, any 5 private property within the city (but where such use is to se-

CORRECTLY ENROLLED

James L. Smith
James D. Hyatt

Chairman House Committee.

Chairman Senate Committee.

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

CORRECTLY ENROLLED

James E. Smith
James A. Hays

Chairman House Committee.

Chairman Senate Committee.

Enrolled H. B. No. 53]

3

28 same is hereby made a body corporate, and by that name the
29 commission may sue and be sued, plead and be impleaded; and
30 contract and be contracted with. The said commission shall
31 consist of five citizens of the city of Wheeling, who shall be
32 appointed in the manner hereinafter set out, and who shall
33 serve without compensation and shall hold no remunerative
34 political office, either state, county or municipal; and no mem-
35 ber of the commission shall be eligible to appointment to
36 any remunerative office or position under the jurisdiction of
37 the commission. Before the first day of March, one thousand
38 nine hundred twenty-five, the board of directors of the Wheel-
39 ing chamber of commerce shall appoint three members of the
40 said commission, and the city council shall appoint two mem-
41 bers of the same commission. The said commissioners ap-
42 pointed by the board of directors of the Wheeling chamber of
43 commerce shall hold office from March first, one thousand nine
44 hundred twenty-five, for one, two and four years, respectively,
45 as designated by said board of directors, and the two members
46 of the commission appointed by the city council shall hold office
47 from March first, one thousand nine hundred twenty-five for
48 three and five years respectively, as designated by the city

CORRECTLY ENROLLED

Henry D. Byrd

Chairman Senate Committee.

James L. 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-

CORRECTLY ENROLLED

James L. Smith
James A. Rogers

Chairman Senate Committee.

Chairman House Committee.

Enrolled H. B. No. 53] 5

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 eluded 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

CORRECTLY ENROLLED

James L. Smith

Chairman House Committee.





Chairman Senate Committee.

91 of this levy shall be for the exclusive use of said Wheeling
92 park, Oglebay park and any other parks hereafter acquired as
93 aforesaid by the city of Wheeling, and shall be disbursed only
94 upon the order of the commission evidenced by warrants drawn
95 on the city treasurer, and signed by the chairman and the
96 secretary-treasurer of the commission.

CORRECTLY ENROLLED

James O. D. A. S.
Chairman Senate Committee.

R. M. Hiner
Speaker of the House of Delegates.

Geo. S. Hall
Clerk of the House of Delegates.

James O. D. A. S.

J. F. McArthur
President of the Senate.

James O. D. A. S.
Clerk of the Senate.

The within is.....*approved*.....

this *20th* day of *April*, 1933.

James O. D. A. S.
Chairman House Committee.

H. B. Kemp
Governor.

Filed in the office of the Secretary of State
of West Virginia. **APR 21 1933**
Wm S O'BRIEN,
Secretary of State