

Rec., Mar. 11, 1933

By ~~minute~~, Mar. 17

542

# ENROLLED BILL

(REGULAR SESSION, 1933)

House Bill No. 542

(By Mr. Thomas)

Passed March 9, 1933

In Effect from Passage

Originated in the *House* Takes effect *From* passage

*James S. Hall* Clerk. *James S. Hall* Clerk of the House of Delegates.

CORRECTLY ENROLLED

*James A. Smith* Chairman House Committee.

*James A. Smith* Chairman Senate Committee.

## ENROLLED BILL

(H. B. No. 542)

[Passed March 9, 1933; in effect from passage.]

AN ACT to amend and reenact section eighty-eight, chapter twenty-nine, acts of the legislature of West Virginia, one thousand nine hundred twenty-five, amending and reenacting section eighty-five, chapter seven, acts of the legislature, one thousand nine hundred twenty-one, known as the "Charter of the City of Dunbar," all relating to and becoming part of the charter of the city of Dunbar, and to paving streets and alleys and providing liens therefor.

*Be it enacted by the Legislature of West Virginia:*

That section eighty-eight, chapter twenty-nine, acts of the legislature, one thousand nine hundred twenty-five, amending and reenacting section eighty-five, chapter seven, acts of the legislature, one thousand nine hundred twenty-one, known as the "Charter of

CORRECTLY ENROLLED

James L. Smith

Chairman House Committee.

James L. Smith

Chairman Senate Committee.

the City of Dunbar," all relating to and becoming part of the charter of the city of Dunbar, and to paving streets and alleys and providing liens therefor, be amended and reenacted to read as follows:

Section 88. In addition to the method provided for paving streets, by section sixty-one of the charter of the city of Dunbar, the council may order any street, avenue, public alley, or portion thereof, to be graded and paved, repaved, or otherwise permanently improved, and the council may order the mayor and city clerk to issue a certificate for each installment of the amount of the assessment to be paid by the owner of any lot or fractional part thereof fronting on such street, avenue or alley. The amount specified in said assessment certificate shall be a lien as aforesaid in the hands of the holder thereof upon the lot or part of a lot fronting on such street, avenue, or alley, and such certificate shall draw interest from the date of said assessment and the payment may be enforced in the name of the holder of said certificate by proper suit in equity in any court having proper jurisdiction to enforce such lien; the council shall fix the amount of such assessment, advertise for bids and do all other things in connection therewith as is provided for pav-

CORRECTLY ENROLLED

*James L. Smith*  
*James D. Byrnes*

*Chairman House Committee.*

*Chairman Senate Committee.*

Enrolled H. B. No. 542]

3

18 ing or permanently improving any street or alley or any por-  
19 tion thereof in section sixty-one, except that such assessment laid  
20 under this section shall include the whole cost of such improve-  
21 ment, including the cost of grading and paving squares at inter-  
22 sections of streets and curbing, the cost of which intersections  
23 shall be apportioned against the several properties fronting  
24 upon the street or portion thereof so improved; and such certifi-  
25 cates shall be issued in the same number of installments and pay-  
26 able at the same time as other paving or permanent improve-  
27 ments are provided to be paid for, and shall be a lien in the  
28 hands of the holder thereof upon the particular lot against which  
29 they are assessed in the same way and manner that assessments  
30 are liens under section sixty-one of said charter. And nothing  
31 contained in this act, or in the charter of the city of Dunbar  
32 shall be construed as imposing a time limit upon the enforce-  
33 ment by appropriate suit of any lien for public improvements,  
34 heretofore or hereafter created.

35 Certificates authorized by this section may be issued, sold or  
36 negotiated to the contractor doing the work, or to any other  
37 person if the council deem it expedient: *Provided*, That the city  
38 in issuing such certificates shall not be held as guarantor or in

CORRECTLY ENROLLED

*James A. Hays*

*James A. Hays*

*James L. Smith*

*Chairman Senate Committee.*

*Chairman House Committee.*

39 any way liable for payment thereof, except upon the direct  
40 action of the council expressed by resolution of record before  
41 sale.

42 Certificates so issued shall contain a provision to the effect  
43 that in the event of default in the payment of any one of said  
44 certificates, when due, and said default continuing for a period  
45 of sixty days, then all unpaid certificates shall become due and  
46 payable and the holder of said certificates may proceed to col-  
47 lect all of such unpaid certificates in the manner hereinbefore  
48 provided. Certificates issued in pursuance of this section shall  
49 be negotiable at any bank in the city of Dunbar.

50 The owner of the land or lot of land assessed under this sec-  
51 tion may at any time anticipate and pay such assessment or cer-  
52 tificate with accrued interest thereon: *Provided*, That no street,  
53 avenue or alley shall be paved or otherwise permanently im-  
54 proved pursuant to this section except and unless two-thirds of  
55 all the members of council present shall concur in the passage  
56 of the ordinance providing therefor, and the vote thereon shall  
57 be taken by ayes and noes, and duly entered upon the record.

CORRECTLY ENROLLED

*James D. Smith*  
Chairman Senate Committee.

*James D. Smith*  
Chairman House Committee.

*B. M. Hiner*

Speaker of the House of Delegates.

*John S. Hall*

Clerk of the House of Delegates.

*A. E. M. Aikens*

President of the Senate.

*David Smith*

Clerk of the Senate.

The within is.....

this..... day of..... 1933.

.....  
Governor.

Filed in the office of the Secretary of State  
of West Virginia.

**MAR 18 1933**

Wm. S. O'BRIEN,  
Secretary of State