

Rec., Mar. 11, 1933

By unanimous, 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. *John S. Hall* Clerk of the House of Delegates.

CORRECTLY ENROLLED

James A. Smith Chairman House Committee. *Samuel O. Atkins* 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

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Chairman House Committee.

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-

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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

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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.

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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.

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[Handwritten signature]
Chairman Senate Committee.

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

John S. Hall
Clerk of the House of Delegates.

A. G. M. [unclear]
President of the Senate.

[Handwritten signature]
Clerk of the Senate.

[Handwritten signature]
Chairman House Committee.

The within is.....

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

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Governor.

Filed in the office of the Secretary of State
of West Virginia. **MAR 18 1933**
Wm. S. O'BRIEN,
Secretary of State