

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1936



ENROLLED

HOUSE BILL No. 13

(By Mr. *Martin, of Jefferson*)



PASSED June 20 1936

In Effect from Passage

ENROLLED
House Bill No. 13

(By MR. MARTIN, of Jefferson)

[Passed June 20, 1936; in effect from passage.]

AN ACT to amend and reenact section five, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as said section was enacted by chapter forty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to roads and highways.

Be it enacted by the Legislature of West Virginia:

That section five, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as said section was enacted by chapter forty, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 5. The state road commissioner, or the state road

2 commission may acquire by right of eminent domain any
3 land or water, or any interest therein or any rights, ways, or
4 easements thereon or thereover, for the purpose of construct-
5 ing, widening, straightening, grading, or altering any state
6 road, or for the purposes enumerated in section twenty-five
7 of this article, or to provide a detour or temporary road or
8 bridge while a road is in the process of construction, recon-
9 struction, improvement, or repair, or for any other purposes
10 authorized by any provision of this chapter, whenever a just
11 compensation cannot be agreed upon by the owner or claim-
12 ant of such property, for such taking, use, or damage.

13 The state road commissioner, or the state road commission,
14 for any of the purposes aforesaid may likewise acquire by
15 eminent domain any bridge or bridge site across any stream
17 separating this state from an adjoining state, any portion
18 thereof, or the approaches thereto, or any interest, franchise,
19 right, or privilege in the same, whether the same be owned
20 and operated by a bridge company, a railroad or electric
21 company, or other railway, or other utility, or any other
22 person, firm, or corporation, such right to be exercised to
23 provide either for a permanent title, ownership, use, or ease-

24 ment thereon or thereover, or for a temporary use and ease-
25 men thereon or thereover as a detour, or temporary road or
26 bridge; and such rights may be acquired subject to the use
27 by any railroad or electric company, or other railway or
28 utility, or under such reasonable regulation as to such use
29 as the court may prescribe. The state road commission may
30 also exercise in any adjoining state such powers of eminent
31 domain for any of the purposes aforesaid, whether such
32 powers are now conferred or may be hereafter conferred
33 upon the commission by any act of congress of the United
34 States, if such act of congress be necessary for the exercise
35 of such powers. Title to property condemned in any ad-
36 joining state may be taken either in the name of the state
37 or of the state road commission.

38 The proceedings for the purposes aforesaid may be insti-
39 tuted in the name of the commissioner, or the state road
40 commission, either at law or in equity, and prosecuted and
41 determined as provided in chapter fifty-four.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Clinton F. Howard,

Chairman Senate Committee

Arnold M. Vickers

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* passage.

Charles D. Smith

Clerk of the Senate

W. S. Hall

Clerk of the House of Delegates

Chas. E. Hodge

President of the Senate

John J. Belter

Speaker House of Delegates.

The within *approved* this the *23rd*

day of *June*, 1936.

H. B. Kump
Governor.

Filed in the office of the Secretary of State of West Virginia. **JUN 24 1936**

Wm. S. O'BRIEN,
Secretary of State