ENROLLED

House Bill No. 335
(By Mr. Bowles)

[Passed March 12, 1955; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article eight, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to assessments to improve streets, sidewalks and sewers.

Be it enacted by the Legislature of West Virginia:

That section six, article eight, chapter eight, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 6. Apportionment and Assessment of Cost.—

2 The cost of the entire project, including the cost of all improvements at and within intersections, shall be apportioned to, and assessed against and borne by the properties abutting upon the streets, public ways, alleys or easements upon which the improvements involved in the project shall have been made. Each lot or parcel of land
so abutting shall be assessed with that portion of the total
cost of the entire project which is represented by the pro-
portion which the abutting frontage in feet of such lot or
parcel bears to the total abutting frontage in feet of all the
lots or parcels of land abutting on the streets, public
ways, alleys or easements so improved: Provided how-
ever, That if the character of the improvements shall be
substantially different upon different streets, public ways,
easements or alleys, or portions thereof, the cost may be
equitably apportioned to the respective streets, public
ways, alleys, easements, or portions thereof, in proportion
to the character and cost of the improvements respectively
thereon; and as the part of the cost so apportioned to each
respective street, public way, easement, or alley, or por-
tion thereof, shall be apportioned to and assessed against
the respective lots or parcels of land abutting thereupon
in the proportion as hereinabove provided: Provided fur-
ther, That if any part of the street, alley, easement or pub-
lic way improved is used by a railway then the cost of the
portion of the improvements between the rails and for
two feet outside said rails shall be assessed against and
wholly borne by the owner of the railway: *Provided further,* That, if there be any land or other property abutting on the portion of the street or alley so improved which it has been determined by the governing body of the municipality, and shown in the ordinance or resolution authorizing the improvement, not to be specially benefited by the improvement, or for other reasons would not be liable to assessment for any of the cost of improvement, then the cost of improvements abutting such part of said street or alley, as is so determined to be nonassessable shall be apportioned among, assessed and borne by the remaining property abutting upon the portion of the street, alley, public way or easement improved in proportion to the frontage of such remaining abutting property as hereinafter provided: *Provided further,* That if there be any land or other property abutting on the portion of the street or alley so improved which it has been determined by the governing body of the municipality, and shown in the ordinance or resolution, not to be benefited to the extent of the cost of the improvement, then the cost of the improvements abutting such part of said
street or alley shall be prorated. The property so benefited shall be assessed for only that part of the cost to the extent of which it has been benefited, and the remainder of the cost shall be apportioned among, assessed and borne by the remaining property abutting upon the portion of the street, alley, public way or easement improved in proportion to the frontage of such remaining abutting property as hereinabove provided: Provided further, That if such improvement include the construction or reconstruction of sidewalks on only one side of a street, alley, public way or easement, then the cost of such sidewalk shall be assessed only on the property abutting on that side where the sidewalks are so constructed: Provided, further, That in apportioning and assessing the cost of sewers or sewer systems the provisions of section four hereof shall be observed: Provided, further, That if there be land or other property abutting the street, alley, easement or public way so improved which is owned by the United States of America, and, for that reason, not legally subject to assessment, then the municipality shall pay the proportionate part of the cost of the improvement which
otherwise would be assessable against such federally owned land or property.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

W.J. Bracken
Chairman House Committee

Originated in the House of Delegates

Takes effect ___ days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 17th day of March, 1955.

Governor

Filed in the Office of the Secretary of State of West Virginia. MAR 18 1955

D. Pitt O'Brien Secretary of State