

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955



# ENROLLED

HOUSE BILL No. 335

(By Mr. Burles)



PASSED Mar 12 1955

In Effect 90 days from Passage



Filed in the Office of the Secretary of State  
of West Virginia **MAR 18 1955**  
D. PITT O'BRIEN  
SECRETARY OF STATE

**ENROLLED**  
**House Bill No. 335**  
(By MR. BOWLES)

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

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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 im-  
3 provements at and within intersections, shall be appor-  
4 tioned to, and assessed against and borne by the properties  
5 abutting upon the streets, public ways, alleys or ease-  
6 ments upon which the improvements involved in the  
7 project shall have been made. Each lot or parcel of land

8 so abutting shall be assessed with that portion of the total  
9 cost of the entire project which is represented by the pro-  
10 portion which the abutting frontage in feet of such lot or  
11 parcel bears to the total abutting frontage in feet of all the  
12 lots or parcels of land abutting on the streets, public  
13 ways, alleys or easements so improved: *Provided how-*  
14 *ever,* That if the character of the improvements shall be  
15 substantially different upon different streets, public ways,  
16 easements or alleys, or portions thereof, the cost may be  
17 equitably apportioned to the respective streets, public  
18 ways, alleys, easements, or portions thereof, in proportion  
19 to the character and cost of the improvements respectively  
20 thereon; and as the part of the cost so apportioned to each  
21 respective street, public way, easement, or alley, or por-  
22 tion thereof, shall be apportioned to and assessed against  
23 the respective lots or parcels of land abutting thereupon  
24 in the proportion as hereinabove provided: *Provided fur-*  
25 *ther,* That if any part of the street, alley, easement or pub-  
26 lic way improved is used by a railway then the cost of the  
27 portion of the improvements between the rails and for  
28 two feet outside said rails shall be assessed against and

29 wholly borne by the owner of the railway: *Provided*  
30 *further*, That, if there be any land or other property  
31 abutting on the portion of the street or alley so improved  
32 which it has been determined by the governing body of  
33 the municipality, and shown in the ordinance or resolution  
34 authorizing the improvement, not to be specially bene-  
35 fited by the improvement, or for other reasons would not  
36 be liable to assessment for any of the cost of improve-  
37 ment, then the cost of improvements abutting such part  
38 of said street or alley, as is so determined to be nonas-  
39 sessable shall be apportioned among, assessed and borne  
40 by the remaining property abutting upon the portion of  
41 the street, alley, public way or easement improved in pro-  
42 portion to the frontage of such remaining abutting prop-  
43 erty as hereinabove provided: *Provided further*, That if  
44 there be any land or other property abutting on the por-  
45 tion of the street or alley so improved which it has been  
46 determined by the governing body of the municipality,  
47 and shown in the ordinance or resolution, not to be bene-  
48 fited to the extent of the cost of the improvement, then  
49 the cost of the improvements abutting such part of said

50 street or alley shall be prorated. The property so benefited  
51 shall be assessed for only that part of the cost to the ex-  
52 tent of which it has been benefited, and the remainder of  
53 the cost shall be apportioned among, assessed and borne  
54 by the remaining property abutting upon the portion of  
55 the street, alley, public way or easement improved in  
56 proportion to the frontage of such remaining abutting  
57 property as hereinabove provided: *Provided further,*  
58 That if such improvement include the construction or re-  
59 construction of sidewalks on only one side of a street, al-  
60 ley, public way or easement, then the cost of such side-  
61 walk shall be assessed only on the property abutting on  
62 that side where the sidewalks are so constructed: *Pro-*  
63 *vided, further,* That in apportioning and assessing the cost  
64 of sewers or sewer systems the provisions of section four  
65 hereof shall be observed: *Provided, further,* That if there  
66 be land or other property abutting the street, alley, ease-  
67 ment or public way so improved which is owned by the  
68 United States of America, and, for that reason, not legally  
69 subject to assessment, then the municipality shall pay the  
70 proportionate part of the cost of the improvement which

71 otherwise would be assessable against s u c h federally  
72 owned land or property.

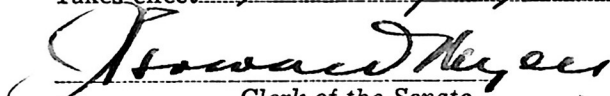
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

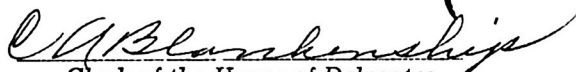
  
Chairman Senate Committee

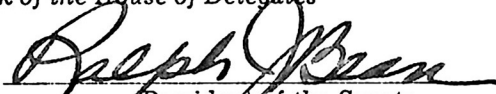
  
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

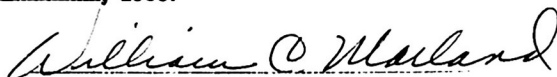
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

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

  
Governor



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of West Virginia MAR 18 1955

D. PITT O'BRIEN  
SECRETARY OF STATE