

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 170

(By Mr. Martin)

PASSED March 4 1957

In Effect 30 days from Passage



ENROLLED
Senate Bill No. 190
(By MR. MARTIN)

[Passed March 4, 1957; in effect ninety days from passage.]

AN ACT to amend article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-h, relating to county court authority and procedure for closing and vacating unused roads, streets and other designated travel ways in subdivisions of land and elsewhere outside of municipalities.

Be it enacted by the Legislature of West Virginia:

That article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-h, to read as follows:

Section 3-h. *Authority and Procedure for Closing Unused Streets and Travel Ways; Notice; Rights of Land Owners.*—The county court of any county, upon the verified application of any landowner whose land abuts on any unused road, street or other travel way designated on any map or plat of a subdivision of land or otherwise within such county but outside of incorporated towns or cities thereof, is hereby authorized to close and vacate any part or all of any such unused road, street or other designated travel way by order entered of record after hearing as hereinafter provided. Before acting to close and vacate any such road, street or travel way, the county court shall consider the application and shall fix a time and place for hearing on such application. Such hearing shall be held not less than fifteen days after the hearing date and place have been so fixed. The applicant shall cause to be published one time, in a newspaper of general circulation in the county, at least fifteen days before such hearing, notice of the time and place of such hearing and the purpose thereof, and shall cause to be served, at least fifteen days before such hearing, in the manner

22 provided by law for the service of notices and process, a
23 notice showing the time, place and purpose of such hear-
24 ing, upon every owner of property, and every person
25 holding a lien thereon, abutting on such unused road,
26 street or other travel way. The certificate of publica-
27 tion of such notice shall be filed with the county court
28 at or before the hearing as a part of the record in the
29 proceedings.

30 At the time and place fixed for the hearing, the county
31 court shall hear any evidence relating to the use of and
32 rights or claims in or to any such road, street or other
33 designated travel way sought to be closed and vacated.
34 If the county court concludes and finds upon the
35 record and evidence in the proceedings that the use and
36 rights of no person or persons in such road, street or
37 other travel way will be impaired or lost by the closing
38 and vacation thereof, the county court shall proceed to
39 enter an order closing and vacating such road, street or
40 other travel way and shall cause a copy of said order to
41 be prepared and certified for entry of record in the office

42 of the clerk of such county court. The applicant shall pay
43 the recording fee thereon.

44 Any person aggrieved by the action of the county court
45 in any such case may seek review thereof in the circuit
46 court of the county as provided in article three of chap-
47 ter fifty-eight of this code.

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

Eubank
Chairman Senate Committee

Thomas D. Wick
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Thomas H. Meyer
Clerk of the Senate

C. A. Blankenships
Clerk of the House of Delegates

Ralph J. Beane
President of the Senate

John H. Harman
Speaker House of Delegates

The within approved this the 11th
day of March, 1957.

Jeff R. Lindsey
Governor



Filed in the Office of the Secretary of State
of West Virginia, **MAR 12 1957**

D. PITT O'BRIEN
SECRETARY OF STATE