

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 351

(By Mr. Porter.....)

PASSED March 10,.....1967

In Effect from.....Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67

351

ENROLLED

Senate Bill No. 351

(By MR. PORTER)

[Passed March 10, 1967; in effect from passage.]

AN ACT to authorize and empower the county court of Raleigh county to transfer a certain parcel of land owned by the county of Raleigh to the state of West Virginia, authorizing the county court of Raleigh county to lease county properties and authorizing the sale of a certain parcel of land owned by the county of Raleigh for industrial development purposes.

Be it enacted by the Legislature of West Virginia:

Section 1. Authorized to Transfer Certain Real Estate

2 **to the State of West Virginia.**—The county court of the
3 county of Raleigh is hereby authorized and empowered
4 to sell and transfer to the state of West Virginia that cer-

tain tract and parcel of land owned by the county court of Raleigh county situate in Shady Springs district therein and commonly known and referred to as "Little Beaver Park and Recreation Area", to be used by the state of West Virginia through its department of natural resources as a public park and recreation area and for other related purposes.

Sec. 2. County Court of Raleigh County Authorized

to Lease County Property. The county court of Raleigh county is hereby authorized to lease or rent any county-owned real property that is determined by the county court to be surplus to the present or immediate needs of the county. Such property may be leased or rented to any responsible person, firm or corporation as the county court may select, and for such uses and at such rental fees as the county court may deem proper. Such leases may extend for periods in excess of one year.

All rentals or proceeds derived from such leases or rentals shall be placed to the credit of the general county fund of Raleigh county.

Sec. 3. County Court of Raleigh County Authorized to
2 Convey Certain Real Property for Industrial Develop-
3 ment Purposes. The Legislature hereby finds and declares
4 that the sale and conveyance of that certain tract or
5 parcel of land known as Fitzpatrick Park, located in
6 Town District, Raleigh county, by the county court of said
7 county for industrial development purposes for less
8 than adequate consideration is for a public purpose, and
9 is necessary for the public good. The Legislature hereby
10 finds and declares that said land is peculiarly suited for
11 such use and will, if so sold for such use, produce tax
12 revenues for the said county equal to or in excess of the
13 fair market value of the property. The Legislature hereby
14 finds and declares that, in the particular circumstances
15 existing in regard to the said property, the method of
16 accomplishing its industrial development, which is hereby
17 declared to be a public purpose, would be best accom-
18 plished by the method set forth in this section.

19 Based on the above legislative findings and declarations,
20 the county court of Raleigh county is hereby authorized
21 and empowered to sell and convey that certain tract or

22 parcel of land, known as Fitzpatrick Park, located in
23 Town District, Raleigh county, to any person, including,
24 but not limited to, a private or public corporation, under
25 such terms and conditions as, in the sole discretion of said
26 county court, will insure the use of the land for the public
27 purpose of industrial development.

Sec. 4. Severability. If any provision of this act or
2 the application thereof to any person or circumstance is
3 held unconstitutional or invalid, such unconstitutionality
4 or invalidity shall not affect other provisions or applica-
5 tions of the act, and to this end each and every provision
6 of this act is declared to be severable. The Legislature
7 hereby declares that it would have enacted the remaining
8 provisions of this act even if it had known that any pro-
9 visions thereof would be declared to be unconstitutional
10 or invalid, and that it would have enacted this act even if
11 it had known that the application thereof to any person
12 or circumstance would be held to be unconstitutional or
13 invalid.

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

William Tupper
Chairman Senate Committee

Clayton C Davidson
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Myers
Clerk of the Senate

C Blankenship
Clerk of the House of Delegates

Howard W Carson
President of the Senate

H. Laban White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Hueyt C. Smith
Governor

PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 2:50pm