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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

ENROLLED

SENATE BILL NO. 460

(By Mr. Brotherton
MR. President)

PASSED April 7 1973

In Effect Ninety days from Passage



FILED IN THE OFFICE
EDGAR F. WEISKELL III
SECRETARY OF STATE
THIS DATE 4-14-73

460

ENROLLED

Senate Bill No. 460

(By Mr. Brotherton, Mr. President)

[Passed April 7, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section eighteen, article twelve, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, authorizing every municipality to sell, lease as lessor or otherwise dispose of any of its real or personal property or any interest therein or any part thereof; specifying detailed provisions concerning any such sale, lease or other disposition; requiring resolution of governing body for such lease as lessor; and specifying that such power and authority to lease as lessor shall be in addition to and not in derogation of any power and authority vested in any municipality under any constitutional or other statutory provision.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

PART VI. SALE, LEASE OR DISPOSITION OF OTHER MUNICIPAL PROPERTY.

§8-12-18. Sale, lease or disposition of other municipal property.

- 1 (a) Every municipality may sell, lease as lessor or dispose
- 2 of any of its real or personal property or any interest therein
- 3 or any part thereof (other than a public utility which shall
- 4 be sold or leased in accordance with the provisions of section

5 seventeen of this article) as authorized in article five, chapter
6 one of this code, or to the United States of America or any
7 agency or instrumentality thereof for a public purpose for
8 an adequate consideration, without considering alone the
9 present commercial or market value of such property.

10 (b) In all other cases involving a sale, any municipality
11 is hereby empowered and authorized to sell any of its real
12 or personal property or any interest therein or any part
13 thereof for a fair and adequate consideration, such proper-
14 ty to be sold at public auction at a place designated by the
15 governing body, but before making any such sale, notice of
16 the time, terms and place of sale, together with a brief
17 description of the property to be sold, shall be published
18 as a Class II legal advertisement in compliance with the
19 provisions of article three, chapter fifty-nine of this code,
20 and the publication area for such publication shall be the
21 municipality. The requirements of notice and public auc-
22 tion shall not apply to the sale of any one item or piece of
23 property of less value than one thousand dollars, and under
24 no circumstances shall the provisions of this section be
25 construed as being applicable to any transaction involving
26 the trading in of municipally owned property on the pur-
27 chase of new or other property for the municipality, and
28 every municipality shall have plenary power and authority
29 to enter into and consummate any such trade-in trans-
30 action.

31 (c) In all other cases involving a lease, any municipality
32 is hereby empowered and authorized to lease as lessor any
33 of its real or personal property or any interest therein or
34 any part thereof for a fair and adequate consideration and
35 for a term not exceeding thirty years. Every such lease
36 shall be authorized by resolution of the governing body
37 of such municipality, which resolution may specify terms
38 and conditions which must be contained in such lease:

39 *Provided,* That before any such proposed lease is authorized
40 by resolution of the governing body, a public hearing on
41 such proposed lease shall be held by such governing body
42 after notice of the date, time, place and purpose of such
43 public hearing has been published as a Class I legal ad-
44 vertisement in compliance with the provisions of article three,
45 chapter fifty-nine of this code, and the publication area for
46 such publication shall be the municipality. The power and

47 authority granted in this subsection shall be in addition to
48 and not in derogation of any power and authority vested
49 in any municipality under any constitutional or other
50 statutory provision now or hereafter in effect.

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

H. Merrill Verby

Chairman Senate Committee

Rowen C. Strickland Jr

Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Wilson

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

W. B. ...

President of the Senate

Louis F. A. ...

Speaker House of Delegates

The within *approved* this the *14th*
April, 1973.

Arch A. ...

Governor

PRESENTED TO THE
GOVERNOR

Date 4/11/73

Time 3:55 p.m.