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. HISKELL III
SECRETARY OF STATE
THIS DATE 4-14-73
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 of any of its real or personal property or any interest therein or any part thereof (other than a public utility which shall be sold or leased in accordance with the provisions of section
seventeen of this article) as authorized in article five, chapter
one of this code, or to the United States of America or any
agency or instrumentality thereof for a public purpose for
an adequate consideration, without considering alone the
present commercial or market value of such property.

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

(c) In all other cases involving a lease, any municipality
is hereby empowered and authorized to lease as lessor any
of its real or personal property or any interest therein or
any part thereof for a fair and adequate consideration and
for a term not exceeding thirty years. Every such lease
shall be authorized by resolution of the governing body
of such municipality, which resolution may specify terms
and conditions which must be contained in such lease:
Provided, That before any such proposed lease is authorized
by resolution of the governing body, a public hearing on
such proposed lease shall be held by such governing body
after notice of the date, time, place and purpose of such
public hearing has been published as a Class I legal ad-
vertisement in compliance with the provisions of article three,
chapter fifty-nine of this code, and the publication area for
such publication shall be the municipality. The power and
authority granted in this subsection 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 now or hereafter in effect.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Clerk of the Senate
Clerk of the House of Delegates
President of the Senate
Speaker House of Delegates

The within _____________________________ this the ____________ day of _________________, 1973.

Governor
PRESENTED TO THE GOVERNOR

Date  4/11/73
Time  3:55 p.m.