WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

ENROLLED
SENATE BILL NO. 472

(By Mr. [Signature])

PASSED _______ March 11 _______ 1978
In Effect _______ from _______ Passage
AN ACT to amend article twelve, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seven-a, relating to county development authorities; making certain findings respecting the necessity for the exercise of the right of eminent domain by county development authorities under certain circumstances; and authorizing county development authorities to exercise the right of eminent domain under certain circumstances and subject to prescribed limitations.

Be it enacted by the Legislature of West Virginia:

That article twelve, 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 seven-a, to read as follows:

ARTICLE 12. COUNTY DEVELOPMENT AUTHORITIES.

§7-12-7a. Findings respecting necessity for exercise of right of eminent domain; authorization to exercise right of eminent domain.

1 (a) It is hereby found and determined by the Legislature that in fulfilling their prescribed purposes and exercising their powers, including the purpose of promoting, developing and advancing the business prosperity and economic welfare of the county for which created by acquiring lands and other real property to be furnished by lease, sale or other disposition as industrial sites, county development authorities are performing essential public purposes; that the performance of such essential public purposes are frequently impeded, unduly delayed, or wholly frustrated by imperfections in the
title to essential land and other real properties, by lost
heirs or widely scattered owners of undivided interests
in essential lands and other real properties and by
owners of relatively small but essential parcels of a
proposed land development site who refuse to sell their
land or other real property to the county; and, that the
exercise by county development authorities of the right
of eminent domain within the limitations herein provided
is therefore necessary and appropriate to achieve the
said public purposes of county development authorities.

Any county development authority heretofore or here-
after created by a county commission pursuant to the
authority of this article is hereby authorized and em-
powered to exercise the right of eminent domain if an
order of such county commission authorizing exercise of
the right of eminent domain as to any proposed acquisition
is first made and entered and at least three fourths
of the entire tract has either been purchased, optioned, or
is under contract to be purchased: Provided, That prior
to the issuance of the order by the county commission, it
shall hold a public hearing on the public necessity of the
exercise of eminent domain and shall cause a Class II
legal advertisement to be published in accordance with
the provisions of section two, article three, chapter fifty-
ine, prior to the hearing: Provided, however, That a
separate hearing must be held and a separate order prom-
ulgated for each parcel over which the authority wishes to
exercise the power of eminent domain: Provided further,
That the right of eminent domain shall not be exercised to
acquire real property which exceeds one fourth of any
land development site proposed by the county develop-
ment authority, and the aforesaid order of a county com-
mission shall specifically state the anticipated size of the
entire site with respect to which the exercise by a county
development authority of the right of eminent domain is
authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. Hillard Jr.  
Clerk of the Senate

Clerk of the House of Delegates

W. T. Breheta Jr.  
President of the Senate

Donald L. Zupp  
Speaker House of Delegates

The within

approved

this the 24

day of March, 1978.

John R. Roddy Jr.  
Governor