

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

SENATE BILL NO. 472

(By Mr. Harland)



PASSED March 11 1978

In Effect from Passage



ENROLLED

Senate Bill No. 472

(By MR. MORELAND)

[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 Legisla-
2 ture that in fulfilling their prescribed purposes and exer-
3 cising their powers, including the purpose of promoting,
4 developing and advancing the business prosperity and
5 economic welfare of the county for which created by
6 acquiring lands and other real property to be furnished
7 by lease, sale or other disposition as industrial sites,
8 county development authorities are performing essen-
9 tial public purposes; that the performance of such es-
10 sential public purposes are frequently impeded, unduly
11 delayed, or wholly frustrated by imperfections in the

12 title to essential land and other real properties, by lost
13 heirs or widely scattered owners of undivided interests
14 in essential lands and other real properties and by
15 owners of relatively small but essential parcels of a
16 proposed land development site who refuse to sell their
17 land or other real property to the county; and, that the
18 exercise by county development authorities of the right
19 of eminent domain within the limitations herein provided
20 is therefore necessary and appropriate to achieve the
21 said public purposes of county development authorities.

22 Any county development authority heretofore or here-
23 after created by a county commission pursuant to the
24 authority of this article is hereby authorized and em-
25 powered to exercise the right of eminent domain if an
26 order of such county commission authorizing exercise of
27 the right of eminent domain as to any proposed acquisition
28 is first made and entered and at least three fourths
29 of the entire tract has either been purchased, optioned, or
30 is under contract to be purchased: *Provided*, That prior
31 to the issuance of the order by the county commission, it
32 shall hold a public hearing on the public necessity of the
33 exercise of eminent domain and shall cause a Class II
34 legal advertisement to be published in accordance with
35 the provisions of section two, article three, chapter fifty-
36 nine, prior to the hearing: *Provided, however*, That a
37 separate hearing must be held and a separate order prom-
38 ulgated for each parcel over which the authority wishes to
39 exercise the power of eminent domain: *Provided further*,
40 That the right of eminent domain shall not be exercised to
41 acquire real property which exceeds one fourth of any
42 land development site proposed by the county develop-
43 ment authority, and the aforesaid order of a county com-
44 mission shall specifically state the anticipated size of the
45 entire site with respect to which the exercise by a county
46 development authority of the right of eminent domain is
47 authorized.

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

James L. Davis
Chairman Senate Committee

Clarence C. Chuston Jr.
Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. C. Willan, Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Bratherton Jr.
President of the Senate

Donald L. Zopp
Speaker House of Delegates

The within is approved this the 24
day of March, 1978.

John D. Rorby
Governor



APPROVED AND SIGNED BY THE GOVERNOR

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MAR 17 11 04 AM '78
OFFICE OF THE GOVERNOR

Date March 24, 1978

Time 11:45 A.M.

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SECY. OF STATE