

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1776

(By Mr. Martin, 30th Dist, + Mr. Jordan)

— ● —

Passed March 13, 1982

In Effect Ninety Days From Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1776

(By MR. MARTIN, 30th Dist., and MR. JORDAN)

[Passed March 13, 1982; in effect ninety days from passage.]

AN ACT to amend article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nineteen-b, relating to disposal of unnecessary property; requiring the commissioner of highways to offer land abandoned along planned highways to former owners first at the cost of acquisition; requiring the commissioner to enter an order proposing abandonment; requiring notice to former owners; requiring the commissioner to value any improvements removed from the land; allowing six months for the owner to decide on the offer; and requiring that land not sold to the former owners be sold at public auction.

Be it enacted by the Legislature of West Virginia:

That article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section nineteen-b, to read as follows:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-19b. Offer of land along abandoned planned roadways to former owners; cost; notice.

I (a) Any land acquired by the department of highways for

2 planned roadways since the year one thousand nine hundred
3 seventy-three, and deemed by the department of highways
4 not necessary for the construction of such roadways, may
5 be sold. Notwithstanding the provisions of section nineteen
6 of this article, such land must first be offered to the person
7 or persons from whom the land was acquired at a cost equal
8 to the amount paid by the department of highways in acquir-
9 ing title to such land or the right-of-way thereon: *Provided*,
10 That if the department acquired the right-of-way only, then
11 the department shall offer such right-of-way to the person or
12 persons from whom acquired for the cost at which such right-
13 of-way was acquired. If improvements upon the land have
14 been removed since its acquisition, then the offer shall be
15 made at the acquisition cost less an allowance for the im-
16 provements so removed. The department of highways shall
17 appraise and determine the value of such allowance and
18 shall, in its sole discretion, determine the cost to the former
19 owner, including any reasonable charges which may result
20 from the department's negotiations with federal authorities.

21 (b) Within ninety days of the effective date of this sec-
22 tion, the commissioner of highways shall file an order that
23 he proposes to dispose of certain property deemed unnecessary
24 in the future for a particular portion of a roadway, and shall
25 forthwith make application to the requisite federal author-
26 ities for approval to return unused federal funds or otherwise
27 shift those funds to other projects. Such an order shall
28 contain an identification of the land proposed to be disposed
29 of and the names and last known addresses of the former
30 owners. If, within a reasonable time after filing the proposed
31 disposal order, the commissioner of highways decides to dis-
32 pose of the land, then he shall file an order to that effect
33 and notify the former owners by certified mail and issue a
34 Class II legal advertisement in compliance with the provisions
35 of article three, chapter fifty-nine of this code. The certified
36 letter sent to each former owner shall contain an offer by
37 the department of highways to sell the property at the cost
38 of acquisition or such lower cost as the department shall
39 determine to be appropriate under subsection (a) of this
40 section. Where the department holds the right-of-way only,
41 the certified letter shall contain an offer for a return of such

42 right-of-way at the department's cost of acquisition, less any
43 allowances provided in subsection (a).

44 (c) The former owners shall have six months in which to
45 accept the offer and purchase the land from the department.
46 If any of the former owners do not respond within that period,
47 or reject the offer, then the department shall dispose of the
48 property in accordance with the provisions of section nineteen
49 of this article. The department may, in its sole discretion,
50 extend the period for accepting the offer and purchasing the
51 land in any case where the former owner who is making a
52 good faith effort to purchase the land is actively seeking
53 the financing necessary.

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

R. P. Baylor
Chairman Senate Committee

Tommy E. Whitlow
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Wills
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates
Walter R. McSwain
President of the Senate

Chas. M. See, Jr.
Speaker House of Delegates

The within *is disapproved* this the *31*
day of *April* ~~March~~, 1982.

Paul R. Taylor
Governor

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SECY. OF STATE