WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

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ENROLLED

SENATE BILL NO. 260

(By Senator Tucker)

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PASSED March 8, 1986

In Effect 90 days from Passage
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Senate Bill No. 260
(BY SENATOR TUCKER)

[Passed March 8, 1986; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to education; county board of education; sale of school property at public auction; rights of grantor of lands in rural communities; eliminate reverter clause in arms length transactions.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-7. Sale of school property at public auction; rights of grantor of lands in rural communities; oil and gas leases; disposition of proceeds.

1 If at any time the board shall ascertain that any building or any land no longer shall be needed for school purposes, the board may sell, dismantle, remove or relocate any such buildings and sell the land on which they are located, at public auction, after proper notice, and on such terms as it orders, to the highest responsible bidder.

2 But in rural communities, the grantor of the lands, his heirs or assigns, shall have the right to purchase at the sale, the land, exclusive of the buildings thereon, and
the mineral rights, at the same price for which it was originally sold: Provided, That the sale to the board was not a voluntary arms length transaction for valuable consideration approximating the fair market value of the property at the time of such sale to the board: Provided, however, That this section shall not operate to invalidate any provision of the deed to the contrary. The board, by the same method prescribed for the sale of school buildings and lands, may also lease for oil or gas or other minerals any lands or school sites owned in fee by it. The proceeds of such sales and rentals shall be placed to the credit of such fund or funds of the district as the board may direct: Provided, however, That the provisions of this section concerning sale at public auction shall not apply to boards of education selling or disposing of its property for a public use to the state of West Virginia, or its political subdivisions, including county commissions or divisions thereof, for an adequate consideration without considering alone the present commercial or market value of the property.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
Chairman Senate Committee

Floyd Full
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Joseph A. Will
Clerk of the Senate

Donald L. Hoff
Clerk of the House of Delegates

Dan Tortoril
President of the Senate

Joseph P. Alleva
Speaker House of Delegates

The within approved this the 26th day of March, 1986.

Agra. Pharps.
Governor