WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1991

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ENROLLED

HOUSE BILL No. 2824

(By Mr. D. Burt, R. Roop)

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Passed March 8, 1991

In Effect 90 Days From Passage
ENROLLED

H. B. 2824

(By Delegates Burk and Roop)

[Passed March 8, 1991; 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, extending the term of years any municipality is empowered and authorized to lease as lessor any of its real or personal property or any interest therein or any part thereof from thirty to fifty years.

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

property 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 auction 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 purchase 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 transaction.

(c) In all other cases involving a lease, any municipal-

ity 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 fifty 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 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 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

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ........................................... this the ............................................. day of ............................................., 1991.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/20/91
Time 5:00 pm