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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

ENROLLED

HOUSE BILL No. 2824

(By Mr. Del. Burk + Roop)

— ● —

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
2 dispose of any of its real or personal property or any
3 interest therein or any part thereof (other than a public
4 utility which shall be sold or leased in accordance with
5 the provisions of section seventeen of this article), as

6 authorized in article five, chapter one of this code, or
7 to the United States of America or any agency or
8 instrumentality thereof for a public purpose for an
9 adequate consideration, without considering alone the
10 present commercial or market value of such property.

11 (b) In all other cases involving a sale, any municipality
12 is hereby empowered and authorized to sell any of its
13 real or personal property or any interest therein or any
14 part thereof for a fair and adequate consideration, such
15 property to be sold at public auction at a place
16 designated by the governing body, but before making
17 any such sale, notice of the time, terms and place of sale,
18 together with a brief description of the property to be
19 sold, shall be published as a Class II legal advertisement
20 in compliance with the provisions of article three,
21 chapter fifty-nine of this code, and the publication area
22 for such publication shall be the municipality. The
23 requirements of notice and public auction shall not
24 apply to the sale of any one item or piece of property
25 of less value than one thousand dollars, and under no
26 circumstances shall the provisions of this section be
27 construed as being applicable to any transaction
28 involving the trading in of municipally owned property
29 on the purchase of new or other property for the
30 municipality, and every municipality shall have plenary
31 power and authority to enter into and consummate any
32 such trade-in transaction.

33 (c) In all other cases involving a lease, any municipal-
34 ity is hereby empowered and authorized to lease as
35 lessor any of its real or personal property or any interest
36 therein or any part thereof for a fair and adequate
37 consideration and for a term not exceeding fifty years.
38 Every such lease shall be authorized by resolution of the
39 governing body of such municipality, which resolution
40 may specify terms and conditions which must be
41 contained in such lease: *Provided*, That before any such
42 proposed lease is authorized by resolution of the
43 governing body, a public hearing on such proposed lease
44 shall be held by such governing body after notice of the
45 date, time, place and purpose of such public hearing has
46 been published as a Class I legal advertisement in

47 compliance with the provisions of article three, chapter
48 fifty-nine of this code, and the publication area for such
49 publication shall be the municipality. The power and
50 authority granted in this subsection shall be in addition
51 to and not in derogation of any power and authority
52 vested in any municipality under any constitutional or
53 other statutory provision now or hereafter in effect.

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

Somer Deck

Chairman Senate Committee

Ernest C Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Parvula Hobbes

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Kidd Brundette

President of the Senate

Doyle

Speaker of the House of Delegates

The within *is approved* this the *3rd*
day of *April*, 1991.

Yastin Caperton

Governor

PRESENTED TO THE
GOVERNOR

Date 3/20/91

Time 5:00 pm