WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

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ENROLLED

HOUSE BILL No. 2828

(By Delegate _____________________________ Smirl)

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Passed _____________________________ April 31, 1997

In Effect _____________________________ From ________ Passage
ENROLLED

H. B. 2828

(BY DELEGATE SMIRL)

[Passed April 24, 1997; in effect from passage.]

AN ACT to amend article fourteen, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six, relating to authorizing the university of West Virginia board of trustees on behalf of Marshall university to sell and convey a parcel of land located on the north side of U. S. Route 60 at University Heights in Huntington, Cabell County; and providing that the proceeds from the sale be deposited in a special revenue account for the development of parking on the downtown campus at Marshall university in Huntington.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 14. MISCELLANEOUS.

§18B-14-6. Marshall university authorization to sell property; use of net proceeds.

1 (a) Subject to the provisions of section five of this article, relating to the authority of governing boards to sell any surplus real property and deposit the net proceeds into a special revenue account in the state treasury to be
appropriated by the Legislature for the purchase of additional real property or technology, or for capital improvements at the institution that sold the surplus real property, the board of trustees is hereby authorized and empowered to sell those parcels of land situate along U. S. Route 60, being a subdivision of a 2.75 acre tract into eight separate lots situate on the waters of the Guyandotte River in Guyandotte District, Cabell County, West Virginia, bound and described as follows:

Beginning at a 5/8" rebar with cap set on the north side of U. S. Route 60 at a common corner to the property the university of West Virginia board of trustees and Lambert Construction; thence N. 43° 51' E. a distance of 167.99 feet to a 5/8" rebar with cap set in the boundary of Lot 1 of the subdivision; thence N. 85° 52' E. a distance of 103.16 feet to 5/8" rebar with cap set in the common corner to Lot 1 and Lot 2 of the subdivision; thence N. 85° 52' E. a distance of 129.37 feet to a 5/8" rebar with cap set in the common corner to Lot 2 and Lot 3 of the subdivision; thence N. 82° 52' E. a distance of 98.91 feet to a 5/8" rebar with cap set in the common corner to Lot 3 and Lot 4 of the subdivision; thence N. 82° 52' E. a distance of 98.95 feet to a 5/8" rebar with cap set in the common corner to Lot 4 and Lot 5 of the subdivision; thence N. 82° 52' E. a distance of 105.96 feet to a 5/8" rebar with cap set in the common corner to Lot 5 and Lot 6 of the subdivision; thence N. 82° 52' E. a distance of 105.88 feet to a 5/8" rebar with cap set in the common corner to Lot 6 and Lot 7 of the subdivision; thence N. 82° 52' E. a distance of 106.06 feet to a 5/8" rebar with cap set in the common corner to Lot 7 and Lot 8 of the subdivision; thence N. 82° 52' E. a distance of 162.16 feet to a 5/8" rebar with cap set in the line separating Lot 8 and the Crans property to a 5/8" rebar with cap set in that line; thence S 09° 49′ E. a distance of 25.00 feet to 5/8" rebar with cap set in the southeastern corner of Lot 8; thence S 82° 02′ W. a distance 166.00 feet and running with the chord of U. S. Route 60 to a 5/8" rebar with cap set in that line, which is a common
corner to Lot 8 and Lot 7 of the subdivision; thence S. 82° 44' W. a distance of 107.00 feet and running with the chord of U. S. Route 60 to a 5/8" rebar with cap set in that line, which is a common corner to Lot 7 and Lot 6 of the subdivision; thence S. 83° 16' W. a distance of 107.00 feet and running with the chord of U. S. Route 60 to a 5/8" rebar with cap set in that line, which is a common corner to Lot 6 and Lot 5 of the subdivision; thence S. 83° 45' W. a distance of 89.06 feet and running with the chord of U. S. Route 60 to a rebar with cap stamped "WV DOH"; thence N. 06° 01' W. a distance of 20.00 feet to a rebar with cap stamped "WV DOH"; thence S. 84° 06' W. a distance of 17.91.00 feet to a 5/8' rebar with cap set, which is a common corner to Lot 5 and Lot 4 of the subdivision; thence S. 84° 06' W. a distance of 31.79 feet to a rebar with cap stamped "WV DOH"; thence S. 05° 46' E. a distance of 20.00 feet to a rebar with cap stamped "WV DOH"; thence S. 84° 39' W. a distance of 31.35 feet to a rebar with cap stamped "WV DOH"; thence N. 05° 16' W. a distance of 8.00 feet to a rebar with cap stamped "WV DOH"; thence S. 84° 57' W. a distance of 68.65 feet running parallel to U. S. Route 60 to a 5/8" rebar with cap set in that line, which is a common corner to Lot 3 and Lot 2 of the subdivision; thence S. 84° 57' W. a distance of 8.00 feet to a rebar with cap stamped "WV DOH"; thence S. 03° 57' W. a distance of 110.00 feet and running with the chord of U. S. Route 60 to a 5/8" rebar with cap set in that line, which is a common corner to Lot 2 and Lot 1 of the subdivision; thence S. 84° 54' W. a distance of 64.24 feet and running with the chord of U. S. Route 60 to a 5/8" rebar with cap set in that line; thence N. 03° 57' W. a distance of 10.00 feet to 5/8" rebar with cap set; thence S. 86° 16' W. running parallel to U. S. Route 60 a distance of 84.55 feet to 5/8" rebar with cap set; thence N. 03° 31' W. a distance of 10.00 feet to a 5/8" rebar with cap set; thence S. 86° 59' W. running parallel to U. S. Route 60 a distance of 79.66 feet to the place of beginning, containing 2.75
acres as described in a deed to the university of West Virginia board of trustees recorded in the county clerk's office in Cabell County in deed book 116 at page 304; and being the same property shown on a map of the subdivision of the 2.75 acre tract entitled "Plat of Survey Showing Subdivision Of A 2.75 Acre Tract described in deed book 116 at page 304 for university of West Virginia board of trustees located along U. S. Route 60 situate on the waters of the Guyandotte River in Guyandotte District, Cabell County, West Virginia" dated March 13, 1997, as surveyed by Mark C. Shamblin land surveyor, the subdivision being eight lots from this real property.

(b) Prior to the sale, the board of trustees shall cause the property to be appraised by two independent licensed appraisers and may not sell the property for less than the average of the two appraisals.

(c) The proceeds from the sale of the property referred to shall be deposited in a special revenue account from which the board of trustees is hereby authorized to expend funds for development of parking on the downtown campus at Marshall university in Huntington.
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 from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the ________________ day of ________________, 1997.

Governor