WEST VIRGINIA LEGISLATURE
SECOND EXTRAORDINARY SESSION, 2004

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ENROLLED

House Bill No. 202

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)
[By Request of the Executive]

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Passed June 15, 2004

In Effect from Passage
AN ACT to amend and reenact section one, chapter two hundred eighty-six, acts of the Legislature, regular session, two thousand, relating to giving the secretary of administration options on how to dispose of the land, together with the improvements thereon, known as Morris Square in Charleston, Kanawha County; and providing an exception for ownership of said land by the West Virginia Economic Development Authority for purpose of leasing it to the City of Charleston, West Virginia.

Be it enacted by the Legislature of West Virginia:

SALE OF PROPERTY.

§1. Land sale; description.

(a) The secretary of administration is hereby authorized to negotiate a financial proposal for the property described in subsection (b) of this act with the city of Charleston which arrangement shall be in the best financial interest for the state. Any financial proposal shall be funded either in cash or by a
purchase money mortgage at a value acceptable to the secretary. The financial proposal must be made within ninety (90) days of the effective date of this section. Any contract, sale or lease shall be approved by the joint committee on government and finance.

(b) The secretary is authorized to sell, grant and convey or lease to the city of Charleston, all of those certain lots or parcels of land, together with the improvements thereon and the appurtenances thereunto belonging, being known as Lot "A-1" containing 1.118 acres, more or less; and Lot "A-2" containing 0.587 acre, more or less, being situate in the city of Charleston, Charleston East tax district, Kanawha County, West Virginia; which property is more particularly bounded and described in a deed dated October 29, 1996, from the Charleston building corporation to the state building commission of West Virginia, of record in the office of the clerk of the county commission of Kanawha County, West Virginia, in Deed Book 2399 at page 79. Any sale and conveyance of the property is subject to all restrictions, reservations, rights-of-way, easements, utilities, covenants, leases, exclusions and other matters duly of record affecting the property.

(c) If the subject property is not transferred to the city of Charleston pursuant to subsections (a) and (b) of this act, then the secretary shall solicit bids for sale by auction, sell, grant and convey, for good and valuable consideration to the highest responsible bidder, the property described in subsection (b) of this act. Any sale and conveyance of the property is subject to all restrictions, reservations, rights-of-way, easements, utilities, covenants, leases, exclusions and other matters duly of record affecting the property.

(d) The secretary is authorized to contract with an auction company to sell the property. The auction may be oral, silent or on the internet. The cost of the auction, as contracted by the
secretary with the auction company, is to be paid from the proceeds of the sale.

(e) The property shall have a minimum bid price which shall be set by the secretary, regardless of the appraised value, for sale and conveyance of the property.

(f) The sale by auction shall take place no less than once a year until the time the property is successfully sold.

(g) The money obtained from the property shall be deposited in a special fund of the department of administration to be known as "the Morris Square property fund" and is to be used for improvements and renovations of the state capitol complex.

(h) Notwithstanding any other provision of law to the contrary, the state, its subdivisions, agencies and instrumentalities, except for the city of Charleston, are prohibited from obtaining any interest, by way of purchase, lease, trade, donation, condemnation, tax sale, or any other means whatsoever in the property described in subsection (b) of this act, or any interest therein, for so long as any building or structure or any portion thereof situate on the property on the date of the enactment of the provisions of this act remains so situated: Provided, That the West Virginia economic development authority may obtain such interest in any portion of the property as may be necessary for the authority to enter into a lease-purchase bond transaction with the city of Charleston: Provided, however, That no state agency may locate any state government office or other state government operation within said property: Provided further, That any such lease-purchase transaction shall have no recourse to the authority.

(i) Notwithstanding anything in the code of West Virginia, one thousand nine hundred thirty-one, as amended, to the contrary, the provisions of this section prevail.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Originating in the House.

In effect from passage.

The within is approved this the 28th day of June, 2004.

Governor
PRESENTED TO THE
GOVERNOR
DATE 6/18/04
TIME 2:00 PM