

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 634

By Senators Woodrum, Trump, Clements, and Jeffries

[Introduced February 15, 2023; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §8-2-18 of the Code of West Virginia, 1931, as amended, relating to
 2 increasing the value at which municipal property must be sold through public auction; and
 3 allowing for the negotiated sale of real property to adjacent property owners.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED
 RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL
 OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

§8-12-18. Sale, lease, or disposition of other municipal property.

1 (a) Every municipality, municipal building commission created pursuant to §8-33-1 et seq.
 2 of this code, and municipal development authority created pursuant to §7-12-1 et seq. of this code
 3 is authorized to sell, lease as lessor, or dispose of any of its real or personal property or any
 4 interest therein or any part thereof (other than a public utility which shall be sold or leased in
 5 accordance with the provisions of §8-12-17 of this code), as authorized in §1-5-1 et seq. of this
 6 code, or to the United States of America or any agency or instrumentality thereof, or to the state or
 7 any agency or instrumentality thereof, for a public purpose for an adequate consideration, without
 8 considering alone the present commercial or market value of such property.

9 (b) In all other cases involving a sale, any municipality is hereby empowered and
 10 authorized to sell any of its real or personal property or any interest therein or any part thereof for a
 11 fair and adequate consideration, the property to be sold at public auction at a place designated by
 12 the governing body, or by using an Internet-based public auction service, but before making any
 13 sale, notice of the time, terms, and place of sale, together with a brief description of the property to
 14 be sold, shall be published as a Class II legal advertisement in compliance with the provisions of
 15 §59-3-1 et seq. of this code and the publication area for the publication shall be the municipality.
 16 The requirements of notice and public auction shall not apply to the sale of any one item or piece of
 17 property of less value than ~~\$1,000~~ \$10,000. The requirements of notice and public auction shall

18 not apply to the sale of any one piece of real property when the governing body of the municipality
19 finds that the highest and best use of the property is that it be conveyed to an owner of the property
20 adjacent to the municipal property. When such finding is made, the municipality shall provide
21 written notice to all owners of real property that is adjacent to the municipal property and may
22 negotiate the sale of such municipal property with an adjacent property holder or holders
23 expressing interest in purchasing the property. ~~and under~~ Under no circumstances shall the
24 provisions of this section be construed as being applicable to any transaction involving the trading
25 in of municipally owned property on the purchase of new or other property for the municipality and
26 every municipality shall have plenary power and authority to enter into and consummate any
27 trade-in transaction.

28 (c) In all other cases involving a lease, any municipality is hereby empowered and
29 authorized to lease as lessor any of its real or personal property or any interest therein or any part
30 thereof for a fair and adequate consideration and for a term not exceeding 50 years. Every lease
31 shall be authorized by resolution of the governing body of the municipality, which resolution may
32 specify terms and conditions which must be contained in such lease: Provided, That before any
33 proposed lease is authorized by resolution of the governing body, a public hearing on the
34 proposed lease shall be held by the governing body after notice of the date, time, place and
35 purpose of the public hearing has been published as a Class I legal advertisement in compliance
36 with the provisions of §59-3-1 et seq. of this code and the publication area for the publication shall
37 be the municipality. The power and authority granted in this subsection shall be in addition to, and
38 not in derogation of, any power and authority vested in any municipality under any constitutional or
39 other statutory provision now or hereafter in effect.

NOTE: The purpose of this bill is to increase the value at which municipal property must be sold through public auction and allowing for the negotiated sale of real property to adjacent property owners.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.