

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 265**

By Senator Woodrum

[Introduced January 11, 2024; referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §8-12-18 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.