

H. B. 4384

(By Delegate Azinger, by Request)
[Introduced February 1, 2012; referred to the
Committee on the Judiciary.]

A BILL to amend and reenact §54-1-2a of the Code of West Virginia, 1931, as amended, relating to a commercial property owner's election to have his or her property appraised by an appraiser who has been certified by the Member of the Appraisal Institute (MAI) after an offer has been made to purchase property but before condemnation proceedings are initiated.

Be it enacted by the Legislature of West Virginia:

That §54-1-2a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. RIGHT OF EMINENT DOMAIN.

§54-1-2a. Notice; good faith purchase; election by commercial property owners for appraisal.

(a) Prior to initiation of ~~any~~ a condemnation proceeding pursuant to slum and blight, the applicant must make a reasonable

1 attempt to notify all parties subject to a petition for
2 condemnation provided in section two of this article and shall
3 attempt to enter into negotiations for purchase of the property
4 with the owners. The applicant shall make an offer in good faith
5 for the purchase of the property subject to the condemnation prior
6 to initiation of the condemnation proceeding.

7 (b) After receiving notification from the applicant under
8 subsection (a) of this section, an owner of commercial property may
9 elect to have his or her property appraised prior to the initiation
10 of a condemnation proceeding, at the property owner's expense, by
11 an appraiser certified by a Member of the Appraisal Institute (MAI)
12 for the purpose of aiding negotiations. If a commercial property
13 owner makes this election, the applicant shall delay the initiation
14 of condemnation proceedings for a reasonable period of time to
15 allow for the MAI appraisal.

NOTE: The purpose of this bill is to provide a commercial property owner whose property may be subjected to condemnation proceedings, the ability to have the subject property appraised by an MAI appraisal prior to the initiation of proceedings.

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