

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4627

BY DELEGATE MOORE

[Originating in the Committee on the Judiciary.]

1 A BILL to amend and reenact §8-21-8 of the Code of West Virginia, 1931, as amended, relating
2 to providing a limitation on the eminent domain authority of a municipal park board by
3 requiring the approval of the governing body of that municipality in instances where it is
4 sought to be exercised.

Be it enacted by the Legislature of West Virginia:

§8-21-8. Purchase, lease or condemnation of real property.

1 The board is hereby granted the power and authority to acquire in its name or in the name
2 of the city by purchase, lease, or by exercise of the power of eminent domain, or otherwise, such
3 land or lands as it shall determine to be necessary, appropriate, convenient or incidental to the
4 establishment, construction, improvement, extension, development, maintenance or operation of
5 a system of public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools,
6 skating rinks or arenas and other public park and recreational facilities for the city, whether of a
7 like or different nature: Provided, That any such acquisition by the board made by exercise of the
8 power of eminent domain must be approved by a majority vote of the governing body of that
9 municipality.

NOTE: The purpose of this bill is to provide a limitation on the authority of the eminent domain authority of a municipal park board.

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