

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Senate Bill 612

BY SENATORS BOLEY, BOSO, AND MAYNARD

[Passed March 9, 2018; in effect 90 days from passage]

1 AN ACT to amend and reenact §8-12-18 of the Code of West Virginia, 1931, as amended, relating
2 to the sale of municipal property; allowing municipalities to sell real or personal property
3 by using an Internet-based public auction service; and requiring notice of sale include
4 notice of the time, terms, manner, and place of sale or the Internet-based public auction
5 service to be used.

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.**

PART VI. SALE, LEASE, OR DISPOSITION OF
OTHER MUNICIPAL PROPERTY.

§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
7 or any agency or instrumentality thereof, for a public purpose for an adequate consideration,
8 without 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
11 a fair and adequate consideration, the property to be sold at public auction at a place designated
12 by the governing body, or by using an Internet-based public auction service, but before making
13 any sale, notice of the time, terms, and place of sale, together with a brief description of the

14 property to be sold, shall be published as a Class II legal advertisement in compliance with the
15 provisions of §59-3-1 *et seq.* of this code and the publication area for the publication shall be the
16 municipality. The requirements of notice and public auction shall not apply to the sale of any one
17 item or piece of property of less value than \$1,000 and under no circumstances shall the
18 provisions of this section be construed as being applicable to any transaction involving the trading
19 in of municipally owned property on the purchase of new or other property for the municipality and
20 every municipality shall have plenary power and authority to enter into and consummate any
21 trade-in transaction.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2018.

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Governor