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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND EXTRAORDINARY SESSION, 2004



ENROLLED

House Bill No. 202

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)
[By Request of the Executive]



Passed June 15, 2004

In Effect from Passage

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H. B. 202

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)
[BY REQUEST OF THE EXECUTIVE]

[Passed June 15, 2004; in effect from passage.]

AN ACT to amend and reenact section one, chapter two hundred eighty-six, acts of the Legislature, regular session, two thousand, relating to giving the secretary of administration options on how to dispose of the land, together with the improvements thereon, known as Morris Square in Charleston, Kanawha County; and providing an exception for ownership of said land by the West Virginia Economic Development Authority for purpose of leasing it to the City of Charleston, West Virginia.

Be it enacted by the Legislature of West Virginia:

SALE OF PROPERTY.

§1. Land sale; description.

- 1 (a) The secretary of administration is hereby authorized to
- 2 negotiate a financial proposal for the property described in
- 3 subsection (b) of this act with the city of Charleston which
- 4 arrangement shall be in the best financial interest for the state.
- 5 Any financial proposal shall be funded either in cash or by a

6 purchase money mortgage at a value acceptable to the secretary.
7 The financial proposal must be made within ninety (90) days of
8 the effective date of this section. Any contract, sale or lease
9 shall be approved by the joint committee on government and
10 finance.

11 (b) The secretary is authorized to sell, grant and convey or
12 lease to the city of Charleston, all of those certain lots or parcels
13 of land, together with the improvements thereon and the
14 appurtenances thereunto belonging, being known as Lot "A-1"
15 containing 1.118 acres, more or less; and Lot "A-2" containing
16 0.587 acre, more or less, being situate in the city of Charleston,
17 Charleston East tax district, Kanawha County, West Virginia;
18 which property is more particularly bounded and described in
19 a deed dated October 29, 1996, from the Charleston building
20 corporation to the state building commission of West Virginia,
21 of record in the office of the clerk of the county commission of
22 Kanawha County, West Virginia, in Deed Book 2399 at page
23 79. Any sale and conveyance of the property is subject to all
24 restrictions, reservations, rights-of-way, easements, utilities,
25 covenants, leases, exclusions and other matters duly of record
26 affecting the property.

27 (c) If the subject property is not transferred to the city of
28 Charleston pursuant to subsections (a) and (b) of this act, then
29 the secretary shall solicit bids for sale by auction, sell, grant and
30 convey, for good and valuable consideration to the highest
31 responsible bidder, the property described in subsection (b) of
32 this act. Any sale and conveyance of the property is subject to
33 all restrictions, reservations, rights-of-way, easements, utilities,
34 covenants, leases, exclusions and other matters duly of record
35 affecting the property.

36 (d) The secretary is authorized to contract with an auction
37 company to sell the property. The auction may be oral, silent
38 or on the internet. The cost of the auction, as contracted by the

39 secretary with the auction company, is to be paid from the
40 proceeds of the sale.

41 (e) The property shall have a minimum bid price which
42 shall be set by the secretary, regardless of the appraised value,
43 for sale and conveyance of the property.

44 (f) The sale by auction shall take place no less than once a
45 year until the time the property is successfully sold.

46 (g) The money obtained from the property shall be depos-
47 ited in a special fund of the department of administration to be
48 known as "the Morris Square property fund" and is to be used
49 for improvements and renovations of the state capitol complex.

50 (h) Notwithstanding any other provision of law to the
51 contrary, the state, its subdivisions, agencies and instrumental-
52 ities, except for the city of Charleston, are prohibited from
53 obtaining any interest, by way of purchase, lease, trade,
54 donation, condemnation, tax sale, or any other means whatso-
55 ever in the property described in subsection (b) of this act, or
56 any interest therein, for so long as any building or structure or
57 any portion thereof situate on the property on the date of the
58 enactment of the provisions of this act remains so situated:
59 *Provided*, That the West Virginia economic development
60 authority may obtain such interest in any portion of the property
61 as may be necessary for the authority to enter into a lease-
62 purchase bond transaction with the city of Charleston: *Pro-*
63 *vided, however*, That no state agency may locate any state
64 government office or other state government operation within
65 said property: *Provided further*, That any such lease-purchase
66 transaction shall have no recourse to the authority.

67 (i) Notwithstanding anything in the code of West Virginia,
68 one thousand nine hundred thirty-one, as amended, to the
69 contrary, the provisions of this section prevail.

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

Kenn L. Launinger
Chairman Senate Committee
Member

Sharon Spencer
Chairman House Committee

Originating in the House.

In effect from passage.

Darrell Eldred
Clerk of the Senate

George W. Bond
Clerk of the House of Delegates

Carl Roy Tomblin
President of the Senate

Robert Kiss
Speaker of the House of Delegates

The within *is approved* this the *28th*
day of *June*, 2004.

Bob Wise
Governor

PRESENTED TO THE
GOVERNOR

DATE 6/18/04
TIME 2:20 pm