

1 **H. B. 4462**

2  
3 (By Delegates Morgan, Stephens and Williams)  
4 [Introduced February 8, 2012; referred to the  
5 Committee on Political Subdivisions then the Judiciary.]  
6  
7  
8  
9

10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §8-12-18a, relating  
12 to disposition of municipal property.

13 *Be it enacted by the Legislature of West Virginia:*

14 That the Code of West Virginia, 1931, as amended, be amended  
15 by adding thereto a new section, designated §8-12-18a, to read as  
16 follows:

17 **ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED**  
18 **RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND**  
19 **MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST**  
20 **MUNICIPALITIES.**

21 **§8-12-18a. Conveyance of property without auction.**

22 (a) Notwithstanding section eighteen of this article, a  
23 municipality may sell its real or personal property valued in

1 excess of \$1,000 for fair market value, and without public auction,  
2 if the city council has made a factual determination that the  
3 property is to be used to facilitate specific economic development  
4 projects or to provide a specific necessary and convenient resource  
5 for the benefit of the citizenry.

6 (b) A notice of a proposed conveyance of city property  
7 pursuant to this section shall be published as a Class II legal  
8 advertisement in compliance with the provisions of article three,  
9 chapter fifty-nine of this code, in its area of publication.

10 (c) Prior to the approval by city council of any conveyance of  
11 city property pursuant to this section, city council shall be  
12 provided with documentation evidencing that:

13 (1) All project plans have been approved by all necessary and  
14 relevant state or municipal committees and departments;

15 (2) All necessary and relevant state or municipal permits are  
16 in place or are approved subject to purchase of the property; and

17 (3) Funding for the project is secured.

NOTE: The purpose of this bill is to permit a municipality to sell its property for fair market value, without a public auction, if the property is used for a public purpose.

This section is new; therefore, it has been completely underscored.