

**H. B. 3048**

(By Delegate Howell, By request)

[Introduced March 22, 2013; referred to the  
Committee on Political Subdivisions then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, be  
amended by adding thereto a new section, designated §7-1-16  
relating to authority and jurisdiction of county commissions  
to hear actions for ejectment and other actions in resolution  
of real property prescriptive easements or disputes.

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

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §7-1-16, to read as  
follows:

**ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

**§7-1-16. Authority and jurisdiction of county commissions to hear  
actions for ejectment and other actions in resolution  
of real property prescriptive easements or disputes.**

**(a) County commissions are hereby vested with concurrent**

1 jurisdiction to hear and adjudicate actions for ejectment  
2 established in article four, chapter fifty-five of this code.

3 (b) A real property owner aggrieved the use of or entry upon  
4 his or her property by another by assertion of an alleged right of  
5 prescriptive easement may petition the county commission to close  
6 the prescriptive easement, if:

7 (1) A described right of way exists at another location on,  
8 the aggressors real property providing access to a public road or  
9 thoroughfare;

10 (2) The aggressors real property adjoins a public road or  
11 thoroughfare and the aggressor is using enjoinder to egress and  
12 ingress the property; and

13 (3) The closing of the prescriptive easement will not cause  
14 undue hardship or monetary cost upon the aggressor.

15 (c) Petition to close must be filed with county commission in  
16 writing.

17 (d) The county commission must set a hearing date within six  
18 months of the petition being filed.

19 (e) The county commission may refer the issue described in  
20 this section of the county planning commission.

NOTE: The purpose of this bill is authorize county commissions to hear actions for ejectment and other actions in resolution of real property prescriptive easements or disputes.

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