

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Originating

House Bill 5695

By Delegate Howell

[Originating in the Committee on Economic
Development and Tourism; Reported on February 20,
2024]

1 A BILL to amend and reenact article 7, chapter 8 of the Code of West Virginia, 1931, as amended;
2 by adding thereto two new sections designated §8-7-5 and §8-7-6 of said code; all relating
3 to establishing the process by which a Community Enhancement District may petition for
4 the decrease of corporate limits within the district.

Be it enacted by the Legislature of West Virginia:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 7. DECREASE OF CORPORATE LIMITS.

Part IV. Decrease of Corporate Limits by Community Enhancement District.

§8-7-5. Procedure to decrease corporate limits.

1 A petition to decrease the corporate limits of a municipality may be filed with the governing
2 body thereof by Freeholders of parcels containing 15 acres or more that are located within a
3 Community Enhancement District created in accordance with WV Code §16-13E-1 et seq., the
4 “West Virginia Community Enhancement Act”. The petition shall identify the territory proposed for
5 elimination, setting forth the change proposed in the metes and bounds of the municipality, and
6 requesting the proposed change. The petition shall be verified and shall be accompanied by an
7 accurate survey map showing the territory which would be eliminated from the corporate limits by
8 the proposed change: *Provided*, That within 90 days after notice of the petition shall have been
9 given by publication of a Class II-0 legal advertisement pursuant to §59-3-1 et seq. of this code,
10 cost to be paid by the petitioners, each business and freeholder within the territory proposed for
11 elimination may file a sworn statement objecting to the change to the metes and bounds of the
12 municipality. If a business or freeholder files a timely objection, that business or freeholder’s
13 property shall remain within the territory or the municipality and shall be removed from the metes
14 and bounds description and survey map submitted in this section.

15 Upon publication of the above required legal advertisement and completion of the 90-day
16 notice period, the governing body shall proceed as specified in §8-7-6 of this code.

§8-7-6. Governing body of municipality to certify decrease in corporate limits; order.

1 The governing body of such municipality shall, within 30 days, adopt the decrease in
2 corporate limits, as provided in §8-7-5 of this code, and shall forward a certificate to such effect to
3 the circuit court of the county wherein the municipality or the major portion of the territory thereof is
4 located; and such court shall thereupon enter an order in substance as follows:

5 "A certificate of the governing body of the municipality of was this day filed
6 showing that a decrease has been made, in the manner required by law, in the corporate limits
7 thereof, and that by such decrease the said corporate limits are as follows:

8 "Beginning at (here recite the boundaries as changed). It is, therefore, ordered that such
9 decrease in said corporate limits be, and the same is hereby approved and confirmed, and the
10 clerk of this court is directed to deliver to the said governing body a certified copy of this order as
11 soon as practicable after the rising of this court."

12 After the date of such order, the corporate limits of the municipality shall be as set forth
13 therein.

NOTE: The purpose of this bill is to establish the process by which a Community Enhancement District may petition for the decrease of corporate limits within the district.

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