
PART ONE — ADMINISTRATIVE CODE

ARTICLE 114 Disposition of Town Property Without Auction

- 114.01 Authorization to convey property to private purchasers without auction at fair market value.**
- 114.02 Authorization to lease property to private parties for less than fair market value.**
- 114.03 Authorization to convey property to nonprofit organizations for less than fair market value.**
- 114.04 Authorization to lease property to nonprofit organizations for less than fair market value.**

CROSS REFERENCES

114.01 Authorization to convey property to private purchasers without auction at fair market value.

- (a) The Corporation of Harpers Ferry may sell its real or personal property valued in excess of \$1,000.00 for fair market value to private purchasers, without public auction, provided that the Town Council has made a factual determination that the property is to be used to facilitate specific economic development projects and/or to provide a specific necessary and convenient resource for the benefit of the citizenry.
- (b) Conditions.
 - (1) Prior to the approval by the Town Council of any conveyance of Town property pursuant to this section, the Town Council shall be provided with documentation evidencing that all project plans have been approved by all necessary and relevant state and/or municipal committees and departments, all necessary and relevant state and/or municipal permits are in place or are approved subject to purchase of the property, and funding for the project has been secured, or
 - (2) If the Town Council and Private Purchaser are in agreement, the conveyance will be subject to a reverter clause requiring that the property revert back to the Town if the Grantee fails to get all approvals of necessary and relevant state and/or municipal committees and departments, all necessary and relevant state and/or municipal permits and funding for the project has been secured within an agreed to period.
- (c) Any proposed conveyance of Town property pursuant to this section shall be published as a Class II legal advertisement in compliance with the provisions of W. Va. Code § 59-3-1 et seq., and the publication area for the publication shall be the Corporation of Harpers Ferry. (Ord. 2020-02, passed 12-17-2020.)

114.02 Authorization to lease property to private parties for less than fair market value.

- (a) The Corporation of Harpers Ferry may lease its real or personal property to private lessees for less than fair and adequate consideration provided that the Town Council has made, by resolution authorizing the lease and containing terms and conditions therefor, a factual determination that the property is to be used to facilitate specific economic development projects and/or to provide a specific necessary and convenient

HISTORY:

Ord. 2020-02 (passed 12-17-2020) created Article 114 under the authority granted through the Town's Municipal Home Rule Application and Plan dated 11-10-2015 and approved by the West Virginia Home Rule Board on 11-16-2015.

PART ONE — ADMINISTRATIVE CODE

resource for the benefit of the citizenry.

- (b) In the event the private lessee ceases to use the leased property in the facilitation of economic development projects or to provide a specific necessary and convenient resource for the benefit of the citizenry, the lease shall terminate and such private lessee shall thereafter have no right, title, or interest therein or thereto.
- (c) Any lease executed pursuant to this subsection 114.02 shall contain the reversion wording in subsection 114.02(b). (Ord. 2020-02, passed 12-17-2020.)

114.03 Authorization to convey property to nonprofit organizations for less than fair market value.

- (a) The Corporation of Harpers Ferry may convey real or personal Town property to nonprofit organizations for less than fair market value, and without public auction, when the nonprofit organization is providing services that benefit the public and are services that the Town could lawfully provide; provided that the Town Council has made a factual determination that:
 - (1) There is a lack of need for such property by the Town in comparison to the benefit to the Town if property is conveyed; and
 - (2) There is a demonstrable need for such property by the nonprofit organization to be able to perform the services benefiting the public.
- (b) In the event the nonprofit organization should cease to provide such services to the public, the property shall by operation of law, revert to and vest in the Town, and such nonprofit organization shall thereafter have no right, title, or interest therein or thereto.
- (c) Any deed or other instrument of property transfer executed pursuant to this subsection 114.03 shall contain the reversion wording in subsection 114.03(b). (Ord. 2020-02, passed 12-17-2020.)

114.04 Authorization to lease property to nonprofit organizations for less than fair market value.

- (a) The Corporation of Harpers Ferry may lease its real or personal property to nonprofit organizations for less than fair and adequate consideration when the nonprofit organization is providing services that benefit the public and are services that the Town could lawfully provide; provided that the Town Council has made, by resolution authorizing the lease and containing terms and conditions therefor, factual determinations that:
 - (1) There is a lack of need for such property by the Town in comparison to the benefit to the Town if property is leased; and
 - (2) There is a demonstrable need for such property by the nonprofit organization to be able to perform the services benefiting the public.
- (b) In the event the nonprofit organization ceases to use the leased property to benefit the public, the lease shall terminate, and such nonprofit organization shall thereafter have no right, title, or interest therein or thereto.
- (c) Any lease executed pursuant to this subsection 114.04 shall contain the reversion wording in subsection 114.04(b). (Ord. 2020-02, passed 12-17-2020.)