

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 33.1-95.1, relating to the*  
3 *Commonwealth Transportation Commissioner; eminent domain.*

4 [H 1123]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 33.1-95.1 as follows:**8 *§ 33.1-95.1. Notice of exercise of eminent domain power; evidence of value.*9 *Notwithstanding anything to the contrary contained in this chapter or in Chapter 1.1 (§ 25-46.1 et*  
10 *seq.) of Title 25:*11 *1. The Commonwealth Transportation Commissioner shall notify every owner of a building, structure,*  
12 *or other improvement, as defined in this section, if the Commissioner intends to exercise the power of*  
13 *eminent domain in a manner that would result in a taking of the building, structure, or other*  
14 *improvement;*15 *2. The owner of any such building, structure, or other improvement may present evidence of the fair*  
16 *market value of such building, structure, or other improvement in the proceedings described in*  
17 *§ 25-46.21, provided such owner has filed a petition for intervention pursuant to § 25-46.16;*18 *3. For purposes of this section, "owner" shall mean any person owning an estate or interest in*  
19 *buildings, structures, or other improvements on real property, which estate or interest is recorded in the*  
20 *official records of the circuit court where the property is located, or improvements for which a permit*  
21 *has been issued by the Commonwealth Transportation Commissioner pursuant to § 33.1-360 and shall*  
22 *not include trustees or beneficiaries under a deed of trust or any person owning only a security interest*  
23 *in the real property; and*24 *4. For purposes of this section, "fair market value" shall mean the price that the real property would*  
25 *bring if it were offered for sale by one who wanted to sell, but was under no necessity, and was bought*  
26 *by one who wanted to buy, but was under no necessity.*27 *5. If the owner of such building, structure, or improvement is different from the owner of the*  
28 *underlying land, then such owner shall not be allowed to proffer any evidence of value which the owner*  
29 *of the underlying land would not be permitted to proffer if the building, structure, or improvement were*  
30 *owned by the owner of the underlying land.*31 *6. That the provisions of this section shall not apply to condemnation proceedings in which a*  
32 *petition in condemnation was filed prior to July 1, 2000.*

ENROLLED

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